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JOURNAL

OF

THE SENATE

OF THE

STATE OF MISSISSIPPI,

AT

A REGULAR SESSION THEREOF,

HELD IN THE

CITY OF JACKSON.

PRINTED BY AUTHORITY.

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1846.

JOURNAL

OF

THE SENATE

OF THE

STATE OF MISSISSIPPI,

At a regular session, convened at Jackson, the Capitol, on Monday, the 5th day of January, in the year of our Lord, one thousand eight hundred and forty-six; it being the day prescribed by law for the meeting thereof.

MONDAY, JANUARY 5TH, 1846.

BE IT REMEMBERED, that at 12 o'clock M., of said day, the Senate was called to order by John A. Wilcox, former Secretary.

On motion of Mr. Horne,

Mr. Briscoe was called to the chair.

The Senate ordered, a call of the new members elect,

Whereupon the following members elect appeared, gave in their credentials, and took the oath prescribed in the constitution to wit:

Dabney Lipscomb, Senator elect from the county of Lowndes.

George Hicks, Senator elect from the counties of Leake, Attala and Neshoba.

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James Metcalf, Senator elect from the county of Adams.

Joel W. Acker, Senator elect from the county of Monroe.

Felix Labauve, Senator elect from the counties of Coahoma, Bolivar, Desoto, Issaquena, Sunflower, Tunica and Washington.

Nathaniel S. Price, Senator elect from the county of Tippah.

George Nicholson, Senator elect from the county of Pike.

George T. Swann, Senator elect from the counties of Rankin and Simpson.

William R. Miles, Senator elect from the counties of Madison and Yazoo.

Edward Johnson, Senator elect from the county of Choctaw.

John I. Guion, Senator elect from the county of Warren.

Joseph W. Mathews, Senator elect from the county of Marshall.

Anderson W. Dabney, Senator elect from the counties of Winston and Noxubee.

Alexander H. Pegues, senator elect from the county of Lafayette.

R. H. Boone, senator elect from the county of Tishemingo.

On motion of Mr. Wall,

The senate proceeded to elect by ballot a president of the senate.

Messrs. Hicks and Price were appointed tellers to conduct said election.

T. Jones Stewart, the member elect from the county of Wilkinson, appeared, produced his credentials and took the oath prescribed in the Constitution.

Upon the first ballot,

Mr. Briscoe received 7 votes.
" Lumpkin, " 4 "
" Swann, " 4 "
" Lipscomb, " 3 "
" Boone, " 2 "
" Mathews, " 4 "
" Acker, " 1 "
" Price, " 1 "
" Guion, " 1 "

Neither of the gentlemen voted for, having received a majority of the votes, the Senate proceeded to a second balloting, when

Mr. Briscoe received 5 votes.

" Lumpkin " 3 "
" Swann " 7 "
" Lipscomb " 4 "
" Boone " 3 "
" Acker " 2 "
" Guion " 1 "
" Stewart " 1 "
" Adams " 1 "
" Dupree " 1 "

Neither of the gentlemen voted for, having received a majority of the votes, the Senate proceeded to a third balloting, when

Mr. Briscoe received 6 votes,
" Lumpkin " 3 "
" Swann " 7 "
" Lipscomb " 2 "
" Boone " 2 "
" Guion " 1 "
" Stewart " 1 "
" Adams " 2 "
" Dupree " 1 "
" Dabney " 1 "
" Turner " 1 "
" Wall " 1 "

Neither of the gentlemen voted for, having received a majority of the votes, the senate proceeded to a fourth balloting, when

Mr. Briscoe received 6 votes,
" Lumpkin " 2 "
" Swann " 9 "
" Lipscomb " 1 "
" Boone " 2 "
" Acker " 1 "
" Guion " 1 "
" Stewart " 1 "
" Dupree " 1 "
" Dabney " 1 "
" Turner " 1 "
" Miles " 1 "
" Labauve " 1 "

Neither of the gentlemen voted for, having received a majority of the votes, the senate proceeded to a fifth balloting, when

Mr. Briscoe received 6 votes,
" Swann " 11 "
" Lipscomb " 2 "
" Boone " 2 "
" Guion " 1 "
" Stewart " 1 "
" Turner " 2 "
" Wall " 1 "
" Williams " 1 "
" Ramsay " 1 "

Neither of the gentlemen voted for, having received a majority of the votes given, the senate proceeded to a sixth balloting, when

Mr. Briscoe received 8 votes,
" Lumpkin " 1 "
" Swann " 11 "
" Lipscomb " 2 "
" Boone " 2 "
" Acker " 1 "
" Guion " 1 "
" Turner " 2 "
" Ramsay " 1 "

Neither of the gentlemen voted for, having received a majority of the votes given, a further balloting was ordered.

On motion of Mr. Labauve,

The senate took a recess till 3 o'clock, p. m.

THREE O'CLOCK, P. M.

The senate met according to adjournment, and proceeded to the seventh balloting for president, when

Mr. Swann received 13 votes,
" Briscoe " 8 "
" Boone " 1 "
" Lumpkin " 1 "
" Stewart " 1 "
" Wall " 1 "
" Price " 1 "
" Acker " 1 "
" Booth " 1 "
" Horne " 1 "

Neither of the gentlemen voted for, having received a majority

of the votes given, the senate proceeded to the eighth balloting, when

Mr. Swann received 16 votes,
" Briscoe " 8 "
" Lumpkin " 2 "
" Williams " 1 "
" Booth " 1 "
" Pegues " 1 "

Whereupon the chairman announced that George T. Swann, having received a majority of the votes, was duly and constitutionally elected president of the senate for the term prescribed by law; and being conducted to the chair returned his thanks, and entered upon the discharge of his duties.

The senate proceeded to the election of a secretary for the senate, under the direction of the same tellers, when

Mr. John A. Wilcox received 23 votes,
" Dozier " 7 "

Whereupon the president announced that Mr. John A. Wilcox having received a majority of the votes, was duly and constitutionally elected secretary of the senate for the term prescribed by law.

Mr. Wilcox appeared and took the oath prescribed in the constitution.

On motion of Mr. Wall the senate proceeded to the election of a door-keeper under the same tellers.

Mr. Adams nominated Mr. Young.
Mr. Horne nominated Mr. Kilgore.
Mr. Durr nominated Mr. Clay.
Mr. Ramsay nominated Mr. Brown.
Mr. Dupree nominated Mr. Hutson, Mr. Craft, and Mr. Hayne.
Mr. Booth nominated Mr. Catlett,
When upon the first ballot,

Mr. Young received 2 votes,
" Kilgore " 1 "
" Clay " 3 "
" Brown " 1 "
" Hayne " 1 "
" Craft " 6 "
" Hutson " 15 "
" Catlett " 2 "

Neither of the gentlemen voted for, having received a majority of the votes given, the president announced the result, and a further balloting was ordered;

Whereupon the second balloting stood as follows, viz:

Mr. Young received 1 vote,
" Kilgore " 3 "
" Clay " 3 "
" Craft " 4 "
" Hutson " 19 "

Whereupon the president announced that Mr. Hutson, having received a majority of the votes, was duly and constitutionally elected door-keeper of the senate for the term prescribed by law.

Mr. Hutson appeared and took the oath prescribed by the constitution.

Mr. Adams offered the following resolution, to-wit:

Resolved, That the secretary of the senate be instructed to inform the house of representatives that the senate have elected the Hon. George T. Swann president of the senate and J. A. Wilcox secretary, and James Hutson door-keeper, and are now ready to proceed to business,

Which was read and adopted.

Mr. Boone offered the following resolution, to-wit:

Resolved, That a committee of three on the part of the senate, and ——— on the part of the house, be appointed to wait on His Excellency, the Governor, and inform him the two houses have organized and are now ready to receive any communication he may wish to make to them,

Which was read.

Mr. Matthews offered the following amendment, which was accepted, viz:

After the word resolved, insert "the house of representatives concurring;"

And said resolution was laid on the table.

Mr. Acker offered the following resolution, viz:

Resolved, That the several editors and reporters of the public newspapers in this state be permitted to take seats in the bar of the senate,

Which was read and adopted.

Mr. Matthews offered the following resolution, viz:

Resolved, That the secretary be authorized to procure a desk for the use of the senate,

Which was read and adopted.

Mr. Guion offered the following resolution, viz:

Resolved, That the rules adopted for the government of the senate at its last session be adopted for their government at the present session,

Which was read and odopted.

Mr. Adams moved the adjournment of the senate till to-morrow morning 10 o'clock, a. m.

Which was lost.

Mr. Boone offered the following resolution, viz:

Resolved, That the two houses meet in the representative hall on Wednesday next, 11 o'clock, a. m., for the purpose of electing a sergeant-at-arms, and state printer and librarian,

Which was read, and by rule lies over one day.

Mr. Wall offered the following resolution, viz:

Resolved, (with the concurrence of the house of representatives,) That the joint rules of the two houses adopted at the last session be adopted as the joint rules at the present session,

Which was read, and by rule lies over one day.

The following message was received from the house of representatives, to-wit:

Mr. President—I am instructed by the house of representatives to inform the senate that the house have met, formed a quorum, and elected James Whitfield speaker, John D. Montgomery principal clerk, Nathaniel Green North reading clerk, and Edward S. Farish door-keeper, and are now ready to proceed to business.

On motion of Mr. Boone,

The resolution in relation to the Governor, was called from the table, and said resolution, as amended, read and adopted:

Messrs. Boone, Adams and Miles were appointed said committee.

On motion of Mr. Wall,

The resolution in relation to the joint rules of the two houses was called up.

On motion of Mr. Wall,

The rule was suspended, and said resolution read and adopted forthwith.

On motion of Mr. Boone,

The resolution in relation to the election of state printer, &c., was called up,

And the rule dispensed with, and said resolution adopted forthwith.

On motion of Mr. Pegues,

The senate adjourned.

TUESDAY, JANUARY 6, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Lansdale presented a petition of Jackson Lanfair, which, on his motion, was laid on the table.

Mr. Turner presented the petition of the members of "Bethlehem," a regular Baptist church, in the county of Franklin,

Which was read;

And on motion of Mr. Wall, was laid on the table.

Mr. Williams asked and obtained leave to the introduction of a bill entitled an act to prescribe the time of holding the Probate Court of Chickasaw county,

Which was read the first time;

And on motion, the rule was dispensed with and said bill read the second time by title.

Mr. Acker offered the following amendment, to-wit:

Be it further enacted, That it shall not be lawful to call special terms of the Probate Courts in said county.

And to insert the words 'and Monroe' after 'Chickasaw' in said bill.

Mr. Boone offered the following amendment to the amendment, to-wit:

Insert the word 'Tishemingo' after 'Monroe' in said bill.

And thereupon the question was had upon the adoption of said amendment to the amendment,

Which was decided in the affirmative.

On motion of Mr. Acker,

Said bill, with the amendments, was referred to a select committee of three.

Messrs. Williams, Acker and Boone were appointed said committee.

Mr. Miles asked and obtained leave to the introduction of a bill to be entitled,

An act to amend the revenue laws of this state,

Which was read the first time.

On motion of Mr. Miles,

The constitutional rule was dispensed with, and said bill read the second time by title.

And on the further motion of Mr. Miles,

Said bill was referred to a select committee of seven.

Messrs. Miles, Lansdale, Boone, Horne, Wall, Beene and Fox were appointed said committee.

The following message was received from the house of representatives, through Mr. Montgomery, their clerk, to wit:

Mr. President—The house of representatives have concurred in the resolution from the senate, appointing a joint committee of three on the part of the senate and —— on the part of the house to wait on His Excellency, the Governor, and inform him that the two houses are now ready to receive any communications he may wish to make to them, and have appointed on the part of the house Messrs. McDonald, Harris, Spann, Hughes and Bailey.

Mr. President—I am instructed to inform the senate that the house of representatives have concurred in the resolution from the senate in relation to the election of sergeant-at-arms, librarian and public printer, with an amendment, striking out 'public printer' in said resolution, in which I am instructed to desire the concurrence of the senate.

They have also concurred in the resolution from the senate adopting the joint rules of the two houses at the last session for their government at the present session.

On motion of Mr. Durr,

The senate concurred in the amendment made by the house to the resolution from the senate in relation to the election of sergeant-at-arms, librarian and public printer.

Mr. Boone, chairman of a committee, made the following report, to wit:

Mr. President—The joint select committee, appointed to wait on His Excellency, the Governor, and inform him that the two

houses were now organized, have performed their duty, and have instructed me to report that His Excellency will communicate a message, in writing, this day at 11 o'clock, a. m.

The following message was received from His Excellency, the Governor, through his private secretary, to-wit:

Gentlemen of the Senate,
and House of Representatives:

The biennial meeting of the Legislature imposes on me the Constitutional duty of communicating to the representatives of the people the state of the country. The past two years has presented a period of very general prosperity. The health of the country has been good. Industry and economy, united with a sound currency, propitious seasons and a fruitful soil have rewarded the toils of the husbandman with a fair income. Blessed with tranquility at home and peace abroad, our country has gone forward towards the high destiny which awaits her. The people rejoicing that their destiny has been cast in a land of liberty—in a land where the written constitution and the laws throw the ægis of their protection alike over the humble and the exalted, have pursued their several vocations with profit to themselves and honor to their country. With the destruction of the causes which produced them, vice and immorality have measurably disappeared, and the christians heart is gladdened by the manifest improvement in religion and morality. These are matters which awaken feelings of gratitude to our divine master and call forth expressions of devoutest praise. Whilst we witness this general prosperity among the people, it is pleasing to know that the State has prospered also. She has recovered rapidly from her embarrassments, and, if not checked by unwise legislation, must very soon throw off her shackles entirely. Her financial affairs have greatly improved. The Auditor's report of January 1st., 1844, exhibited the indebtedness of the State on account of

Auditor's Warrants at - - - - - - -	$614,743 83½
There has been issued from January 1st., 1844, to January 1st, 1846, - - - - - -	$436,508 41½
Making an aggregate of - - - - -	$1,051,252 25

There has been paid into the Treasury, on all ac-

counts, from January 1st., 1844, to January 1st., 1846, $779,711 58

Showing a balance outstanding on the first of January, 1846, of $271,707 07

The assessments of taxes for 1845, very little of which has yet been collected and paid into the Treasury, amounts to $413,772 98 to this the Auditor adds $20,000 on account of miscellaneous items, and subtracts $30,000 for assessing, collecting and insolvencies, leaving a balance of $403,772 98 which will be paid on account of taxes for 1845; so that by the close of the present fiscal year, should the tax collectors settle with the same promptness that characterised them in 1844, the State will have redeemed an amount equal to the warrants that are now outstanding, and leave a surplus if no others, were issued of $131,062 91. What amount shall be issued in the mean time depends mainly on the action of the Legislature. I have been congratulating myself that the sum would be unusually small. There are but few private demands against the Treasury, which will require appropriations, and I am not aware that the public interest will need any important outlay of money beyond the ordinary expenses of the government. The Legislature has doubtless imbibed the prevailing sentiment of the age, that economy is the greatest and best virtue with States, as well as with individuals—and it will therefore limit the appropriations to such objects as are indispensable.

Of the Auditor's Warrants outstanding on the 1st inst., $159,716 68 is in the form of funded scrip, not payable until after January 1st., 1847, and may therefore be placed in the account of the next year. Estimating the expenses of the Legislature at $60,000 and the State Government at $125,000. I set down the sum necessary to be provided for the present year, as follows:

Auditor's Warrants issued prior to January 1st., 1846, not funded, or funded and due in the year 1846,	$105,845 09
Expenses of the Legislature,	$ 60,000 00
State government for 1846,	$125,000 00
Total,	$290,845 09

It will be seen that these are items of indispensable necessity and must be provided for. They leave a surplus of $113,927 86

on the first of January, 1847. There has been paid into the Treasury, at various times, on account of the Seminary fund $79,548 76, which drawing by law an interest of 8 per cent. amounts now to $103,068 40 and there has been paid on account of the sinking fund $84,000. It is so palpably just that these items should be speedily adjusted with the public creditors, that I feel at full liberty to press them on your attention.

STATE SEMINARY.

The first payment should be made to the Seminary fund. This Institution has been located at Oxford, in Lafayette county, where a suitable cite has been procured for the buildings. The trustees held a meeting in July, 1845, and subsequently furnished me with printed copies of their proceedings, which I herewith transmit to the Legislature. An appropriation will be necessary to enable them to erect their buildings. Economy should be observed in their construction, convenience and durability being consulted rather than beauty and ornament. I recommend that the sum set apart for building be limited to fifty thousand dollars.

This fund was formerly collected through the agency of the Planters Bank, and by law it was invested in the stock of that Institution. It was a trust fund, so declared by the Act of Congress making the donation of lands, out of which it sprung. The State, as trustee, had no authority for investing it in the stock of any bank; she did so, however, and eighty-four thousand nine hundred dollars, with several years interest on that amount, has been lost. The State is, in my opinion, under the most solemn obligation to pay it back. It is an obligation, not to Congress, but to the children within her own borders, for whose especial education the fund was set apart. I am fully persuaded that Mississippi will never incur the reproach of withholding justice and the means of education from her own children; and therefore I submit the question to you without discussing the State's legal liability. The amount of this fund may be stated as follows:

Amount now in the Treasury of the State,	$103,068 40
Lost principal and interest in Planters Bank,	$110,000 00
To be collected—but in safe hands and secure,	$ 38,287 93
Total,	$251,356 33

What disposition should be made of this fund, I propose to speak in connection with another subject.

RAIL ROAD EAST.

Within a very few days after the adjournment of the Legislature in 1844, the Commissioners of the Jackson and Brandon Rail Road and Bridge Company, made an application to me for twenty-five thousand dollars of the two per cent. fund, loaned to that Company by an Act of the Legislature, Approved, February 26th, 1842. The period limited by law for the completion of the Road having expired, and the Road being still unfinished, I thought the franchises of the Company so far forfeited as not only to justify, but indeed to require me to withhold the money and await farther legislative action. In presenting this subject to the Legislature, it is proper for me to say, that the failure of the Company to complete the Road within the required time, was owing, in a great degree, to circumstances which they could not control: not the least among these was their disappointment in not receiving the benefits of this loan as early as 1843. It will be recollected that the Act of 1842 made the loan contingent upon the consent of Congress. Some time after the adjournment of the Legislature in that year, an agent of the Company repaired to Washington for the purpose of obtaining that consent, in which he succeeded. For reasons satisfactory to himself my predecessor withheld the money. When I came into office I thought the Company entitled to receive it, and should have directed its payment, but for the expiration of the charter. It seems not to have been the fault of the Company that they did not realize the benefits of the loan, and to that extent they are irresponsible for the non-completion of the Road. I recommend that the $25,000 and such other portion of the two per cent. fund, as is necessary for that purpose, be expended in completing the Rail Road from Jackson to Brandon, under the direction of Commissioners to be appointed for that purpose.

This Road forms a link in the great chain which is ultimately to connect the Mississippi river with the Atlantic, and in that view it swells into an importance far beyond any thing connected with the mere existence of a Road from Jackson to Brandon. At the time when Congress, at the earnest and repeated solicitations of this State, relinquished the two per cent. fund to a Rail Road from Brandon to the Alabama line, it was confidently expected that the link between Jackson and Brandon, then in a state of progress,

would be completed by other means. These expectations have been disappointed. They induced Congress, however, to mention Brandon, instead of Jackson, as the starting point of the Road. The consent of Congress has only been obtained to the application of the twenty-five thousand dollars to this intermediate link. Her consent should be asked to the use of so much of the two per cent. fund as is necessary to complete the Rail Road from Jackson to Brandon; or, in other words, the consent of Congress should be obtained for commencing the Road at Jackson, instead of Brandon. And in anticipation of this consent being had, the Legislature ought at once to make such provision as will ensure the most economical and speedy application of the money. I invite the special attention of the Legislature to the several memorials from this State, and the final action of Congress in relinquishing the two per cent. fund. It will be seen that the State asked, and Congress relinquished it to this particular Road.

The scheme of connecting the Atlantic with the Mississippi river by means of a Rail Road is one of vast magnitude and will doubtless engage the early attention of the Legislature.

Rejecting the idea that Congress may apply the National Treasure to improvements which are only local in their character, it is nevertheless true, that works which are essential to the "common defence" of the *confederated States* may, and ought to be constructed at the National expense. Viewing the contemplated Rail Road as a work of this character, I do not hesitate to advise the Legislature to make an earnest appeal to Congress to aid in its construction.

Should the South-Western States be invaded, the Road, as a means of speedy and safe transportation of troops and munitions of war, would be found of incalculable advantage to the Nation at large.

The delays and dangers incident to a voyage around the Floridas, on the one hand, and the perplexities of tedious marches over land on the other, would be avoided. Army supplies, instead of being sent down the river when the waters are low and the delays great, could be forwarded from the East, and by the same means the Eastern and Middle States could be supplied with safety and expedition from the South and West.

If this country is ever invaded by our ancient foe, it is scarcely

to be doubted that the Southern States will be selected as the theatre of his most active operations—how essential, therefore, that the means of throwing defence into the country, without danger and without delay, should be provided as speedily as possible.

Should the Legislature make an address to Congres on this subject, I respectfully suggest that, instead of asking a direct appropriation of money to this object from the Treasury of the Nation, they should solicit a donation of one-half of all the vacant lands in all the land districts through which the Road is to pass to be taken by alternate, quarter, half and whole sections. The magnitude of the work will justify the Legislature in making the request, and its National consequence will, in my opinion, fully authorize Congress in granting it. A donation thus liberal will ensure the success of the enterprise, and give us the means of speedily concentrating all our defences, which will, of itself, be more terrible to an enemy than millions of soldiery scattered over the broad extent of our country. I pass over the incidental advantages which it would give to commerce, and the facilities it would afford in the transportation of the mail, and the strength which it would give to our band of union, by bringing the remote parts of the country closer together ,and intermingling, as it were, the citizens of Texas with those of New England. Apart from these considerations, Congress should make the grant on other grounds. If the Road is completed the remaining lands must be greatly appreciated in value; and it appears to me that if Congress, by applying our moiety of the public domain to an object of great National importance, can increase the value of the remaining half five fold, or even two fold, it is not only competent for her to do so, but that she is called upon by the highest considerations of public policy and public justice to make the grant.

At what point the rail road approaching from the Atlantic, should strike the Mississippi river, must be left of course, to the decision of those who furnish the means for its construction. It may not be amiss, however, for us to suggest the reasons why Vicksburg should be selected as the most proper point. In the first place, the road from Vicksburg to Jackson is completed; it is, to be sure, in the hands of a private company, but the construction of the road is the question of primary importance, to whom it shall belong is only secondary. In the second place, the grading on the line from Jackson to Brandon is completed. In the third place,

a survey of the route from Brandon to the Alabama line has been made, and the cost of constructing this part of the work estimated at only $1,083,428; and fourthly, the two per cent. fund amounting to within a fraction of three hundred thousand dollars, has been appropriated to this road. Is it assuming too much, to say that Mississippi in asking the relinquishment of this fund to this particular object, and Congress in granting it, decided that Vicksburg should be the point where the road is to intersect the river. The two per cent. fund, in the State of Alabama, amounts to $232,000, and one half of it has been relinquished to the construction of the road through that State.

FIVE HUNDRED THOUSAND ACRES OF LAND.

The five hundred thousand acres of land given to this State for works of internal improvement by the general government, has been located by commissioners appointed for that purpose, as has also the Chickasaw school lands, amounting to 174 thousand acres. I have procured a map of these lands to be made at the office of the U. S. surveyor general. For special reasons I have not deemed it prudent to have all the lands registered, though they have all been located. There are about thirty thousand of the five hundred thousand acres not yet registered, and therefore not exhibited on this map.

The present is not, in my judgment, a propitious season for bringing these lands into market. So far as relates to the school lands, I doubt if good policy does not forbid the State's parting with the free-hold at any time. The lands should be leased for short terms, not exceeding fifteen years; and the rents and profits paid into the Treasury of the State, to the separate account of the school land in the chickasaw counties, and be used for that purpose and no other.

Whether the State should grant pre-emptions to settlers on the five hundred thousand acres of her lands, is a question on which I defer to the superior judgment of the Legislature; and whilst I do not recommend it, I shall not feel at all at liberty to withhold my assent, if the Legislature, on mature consideration, deem it right, especially if a proper estimate is placed on the value of the land; and care is taken to exact prompt and rigid payments from pre-emptors. The State should adhere as closely as possible to

the cash system. My experience has been that the less she deals with the citizens on a credit, the better for both parties.

The acquisition of Texas, and the tide of emigration to that country, together with a prevailing mania among planters to embark in the production of sugar, must of necessity, depress the value of cotton lands in this State for some years to come. Should the Legislature, contrary to what I think is the policy of the State determine to hurry these lands into Market, I recommend, that they be classed, into first, second, third and fourth classes, and offered at public sale on due notice, at a minimum of two, four, six and eight dollars per acre, for cash; or else that the whole be offered at a minimum of eight dollars the acre, and the price graduated to seven dollars the first year thereafter, to six the second, and so on, down to one dollar and twenty-five cents per acre.

When it is recollected that these lands have been selected in small bodies and with great care, and that they are now the best uncultivated cotton lands east of the Mississippi river, it will appear, I think, that these prices are not too high. It is certain they will command such prices after a few years. The sales being over, an office should be opened, and the lands not disposed of at the general bidding should be offered at private entry, and at the prices just stated. At whatever time and at whatever price the lands are sold, I strenuously urge upon the Legislature to order them sold for cash only; and that the first proceeds be used in reimbursing to the Treasury the amount of money expended in locating them.

Selling on a credit will encourage combinations to buy on speculation, and if the speculations fail as they most likely will, the State will find herself harrassed with multitudes of perplexing law suits, in most of which, she will be unsuccessful; and in the end the good debts will be sunk in fruitless efforts to collect those which are bad. As familiar examples I may cite the inking fund, the seminary fund, and the Jackson town lot fund.

LEVEE ON MISSISSIPPI RIVER.

The projected levee on the east bank of the Mississippi river, commencing at the Tennessee line and terminating at the mouth of the Yazoo, is a work to which I invite your attention. The question of its practicability is placed beyond question by the report of the Topographical Engineer, submitted to the Legislature

in 1844. He estimated the cost at $88,883 47. This will be found, I apprehend, too small a sum; but if the cost should be twice or even thrice that amount, the sum would then, not be commensurate with the value and importance of the improvement.—When two or more parties are jointly interested in the completion of a work, it should be constructed by their joint efforts. The State of Mississippi has five hundred thousand acres of land, a small portion of which is now subject to overflow, and would be protected by the levee. She has a much larger quantity which would be appreciated in value by its construction, because it would render access to the Mississippi river easy, safe and expeditious.

The United States has about one million of acres in like condition, except that a much larger proportion is subject to inundation; much of it to a great depth, and always at that season of the year which to the planter, is indispensable. The lands are therefore, without value. It is scarcely to be doubted, if Congress was accurately informed as to the present condition of these lands, and what would be their worth, if rescued from overflow, a liberal and enlightened policy would be pursued. It is therefore advisable to lay the facts in an authentic form before Congress and ask her to relinquish for that *special object* alternate sections of all unsold lands on the east side of the Mississippi river, as far back as the hills, and between the Chickasaw line and the mouth of the Yazoo river. This may occasion some delay in commencing the work, but it is vastly more important that works like this should be properly done, and by the proper parties, than that they should be done expeditiously. The benefits which individuals owning lands on the margin of the river will derive from the completion of the work, will justify the State in calling on them to make contribution.

I do not feel impelled by any present pressing necessity, to urge you to commence this levee immediately, and especially if it is to be done at any great sacrifice; but it should be a leading and paramount object with the State, to have it completed at no distant day, and the legislation of the country in regard to its public lands should be shaped towards that end. Should the Legislature deem it advisable to commence this and other works of improvement within any short time, I advise the purchase of slaves for that purpose. I am satisfied if planters can cultivate their lands to greater profit with slave, than with free labor, the State can, with equal ad-

vantage prosecute her improvements with the same class of labor. She must, however, to do this employ overseers who are accustomed to manage slaves, and introduce the same economy which prevails on well regulated plantations.

These suggestions may be considered as applying to the works to be done in grading and getting timber for the eastern rail road, and such other works as are commenced by the State. On this subject I have the honor to transmit a letter from the Hon. John P. King, President of the Georgia rail road, which will tend, I think, to sustain the view that I have taken.

Before any contracts are made, or the work commenced, either on the levee, the road or elsewhere, the State should acquire the right of way through the whole route; otherwise she will be imposed upon by the avaricious and selfish through whose possessions the works are to pass.

If these views meet the legislative sanction, I further recommend that proposals be issued to hire laborers who shall be paid wages to be specified by law, in lands at a fixed valuation. I have thought it reasonable to suppose, that planters and others owning lands on the margin or near the Mississippi river, seeing that the State had the means, and was prosecuting the work with a determined spirit, would gladly aid in its speedy completion, when thereby the lands which they now own, are made more valuable, and those which they take in payment for their work are increased in worth by the labor they expend in buying them.

EDUCATION.

The interesting subject of education has engrossed a large interest in the public mind for some years past. It must be gratifying to the patriot and philanthropist to witness the unanimity with which it has been espoused; and if the Legislature responds, as it doubtless will, to the prevailing public sentiment, the imperative command of the constitution, that "schools and the means of education shall forever be encouraged in this State," will no longer go unheeded. "Knowledge," in the language of the constitution, "being necessary to good government, the preservation of liberty and the happiness of mankind," no arguments need be resorted to, to convince the representatives of a free people, that it is their duty to encourage its general diffusion.

Let it be borne in mind that the boys who are now growing up

too many of them in ignorance and vice, must in a very few years take our places, and become controlers of our country's destiny; and let us not disguise from ourselves the stuborn fact that the ignorant and vicious of these under our forms of government, must be as potential at the ballot box, for good or for evil, as the most learned and virtuous; and I am fully persuaded, we will employ all the means in our power, to educate them—to direct them in the ways of "religion, morality and knowledge," and thus quicken their devotion to their country.

Benefits are not priceless. If we expect to enjoy the blessings of education, or to transmit its fruits to our posterity, we must expect to pay for them. To the great mass of the people, this declaration will neither be surprising or unacceptable. They do not expect knowledge and a familiarity with the intricacies of government to spring up spontaneously in the minds of their children—good fruit does not grow upon uncultivated grounds, but as thistles and other noxious weeds take possession of an unploughed field, so do vice and wickedness spring up in the mind which is not trained to God and the country. Government gives protection to our lives, our liberty, and our property, but who shall give protection to government if we neglect it? If it be true, that "the blessings of government, like the dews of Heaven, descend alike on the rich and the poor," it must be true, that the rich and poor are alike bound to contribute to its support.

We contribute annually to the support of all the various departments of government, to the legislative, the judiciary and the executive; we contribute to the erection of prison houses and temples of justice, we contribute to the sacred altar and its divine ministrations, but to that which lies at the bottom of them all, and without which, the whole must become "as a sounding brass and tinkling symbol," we contribute nothing.

Education has many votaries but few contributors. What should we think of a man who had built a ship and sent her upon a distant and perilous sea, laden with rich and costly goods without insurance? Yet, have we erected a government, ladened it with priceless jewels of liberty, and cast it upon the uncertain element of popular will, untempered, as yet, by the hallowing influence of education; and shall we still refuse to insure the safety of that government, by refusing to contribute to the only means that can give

it safety—the education of its people? The rich may say, we have no interest in the education of the poor! There could be no greater or more fatal error. Pride, the love of our offspring, the ephemeral pleasure of witnessing the bud of youth nurtured by our care, as it expands, and grows, and ripens into manhood, these teach the rich to educate their own children, but the higher considerations of patriotism—the holier cause of religion and morality—the pure and unstained love of human happiness teach them to educate the poor.

Having had my attention drawn to this subject, I opened a correspondence with gentlemen in different parts of the country, with a view to elicit information. Their replies, together with such statistics and other documentary evidence as I have been enabled to collect, are at the service of the Legislature.

Difficulties beset us, I know, but they are difficulties which a prudent and discreet management of our affairs will overcome.—The sparceness of population in many places, has been interposed as a serious objection in the way of any general system of schools. Perhaps it is so. If we cannot, on this account, employ teachers for a year, we could perhaps employ them for a half or quarter of a year. If we cannot do every thing, surely it is not a valid reason why we should do nothing.

Among other matters connected with this subject, I invite the special attention of the Legislature to the reports of the Presidents of the boards of police in the several counties, on the subject of the school lands. These reports were elicited by a circular which I addressed them, and which is herewith transmitted. It will be seen that all have not responded, but enough has been collected to show the manner in which the school lands have been treated, and to make it apparent that a radical change is demanded.

After devoting as much time as I could spare to the subject of schools, consistent with other official duties, I feel prepared in a spirit of the utmost confidence as to its success, to make the following recommendation. The State ought to assume the $110.000 00 lost in the Planters bank and place it at once on the same footing with the $103,287 00 now in the Treasury. The fund would then amount in round numbers to two hundred and fifty thousand dollars. Two hundred thousand dollars of this should be retained as a permanent fund, and the residue appropriated to the erection of college buildings at Oxford, as heretofore suggested.

This permanent fund should be kept in the Treasury, and an annual interest of eight per cent. paid on it. This interest (16,000 dollars) should be set apart in the Treasury at the beginning of every year and kept sacred and inviolable for the purposes hereafter to be named; and here let me remark that the vexation and expense which has attended a first collection of this fund, and the heavy and ruinous losses which it has sustained in the hands from which it has been slowly wrung, should admonish the Legislature to take charge of it and keep it secure in future. Of the sixteen thousand dollars interest, I recommend that eight thousand dollars be appropriated to the annual purposes of the College. There should be then established ten academies or high schools at as many different points in the State, to be designated by the Legislature, having reference to geographical divisions. To each of these there should be an annual payment of eight hundred dollars out of the remaining eight thousand. Nothing is clearer to my mind than that the College will not succeed, without the aid of auxiliary schools. These schools need not, and indeed should not, be in the immediate vicinity of the College, but at such points as to give it the most efficient aid, and at the same time to diffuse the greatest amount of intelligence among the people. The language of the Act of Congress in making the grant of land from which we derive this fund is that "it shall be vested in the Legislature of the State in trust for the support of a Seminary of learning." This language, "a Seminary of learning," has been thought to limit the Legislature to the establishment of one school, and to negative the idea that that school could have auxiliary departments. It has seemed to me so palpable that the Trustees could so act as to carry out the great object of the trust which was the diffusion of knowledge, that I have not fallen into what is to my mind a constrained idea of the law of Congress. It does not necessarily follow, that because the Act of Congress said "a Seminary," that it meant there should be one school under one roof, or that the "Seminary" and all its auxiliary departments should be in the same enclosure, or even in the same city or town. The spirit of the Act of Congress is carried out by the establishment of one Seminary, University or College with such auxiliary departments as are necessary to its success. These should be UNDER THE SAME GENERAL SUPERVISION AND CONTROL and be located at such points as to be of the

greatest advantage to the main College, and to the cause of education.

There must yet be another and a still more useful class of schools—I mean the common or free school. The 16th section of land in each township, set apart by a wise enactment of Congress for this purpose, have been most shamefully neglected. The inattention with which these lands have, in many instances been treated, makes it very apparent, to my mind, that whatever system of schools we adopt, must be taken under the supervisory control of officers who shall be responsible to the State. There must be some general head, and there must be an immediate responsibility of that head to the State laws. The people in mass will never require responsibility, and they will never act unitedly and constantly as one man for the common good; each one will content himself with acting for himself, and the general good will go unattended to. Of the ten or twelve hundred sections of school lands heretofore, and now under the control of the citizens of the township, I have not been enabled to ascertain that one hundred have been well managed. Some of them have been trespassed on and denuded of their valuable timber; in other instances they have been leased, and the money has not been collected: in many instances it has been collected and squandered: in the fewest number of cases has there been free schools kept by the proceeds.

I recommend the passage of a law for the election of School Commissioners in each county, one by the qualified electors of each police district, and that it be made the duty of this "board of school commissioners" to enquire into and ascertain the exact condition of each sixteenth section in their respective counties. I recommend the appointment of a general School Commissioner to reside at the seat of government, who shall receive his appointment from the Governor and Senate, whose duty it shall be to require of and receive from the School Commissioners in the several counties semi-annual reports of their proceedings in regard to the sixthenth sections and other matters entrusted to their charge.

It should be made the duty of the County Commissioners to hold meetings quarter yearly, at the county site, and whenever the interest arising from the proceeds of a school section is sufficient to pay a teacher, it should be their duty to employ a competent man and establish him in a school. Wherever there is a surplus, the consent of Congress should be obtained to its transfer and use in

the next adjoining township in which there is a deficiency. They should, without delay, lease all the sixteenth sections, now undisposed of and report to the general commissioner the amount for which each one was leased.

I farther recommend that all the fines and forfeitures, billiard, retail, and other licences, and all other funds that now go into the Treasury other than the legitimate taxes on property be relinquished to a fund to be established and called the "school fund." That the literary fund be collected from the several counties, and placed in the "school fund;" and I further recommend that a tax of five per cent. on the amount of the State and county taxes be assessed and collected annually for the benefit of the school fund. I estimate that from these sources, (not including the literary fund now on hand) we will derive 75,000 dollars annually. This fund should be placed under the control of the general commissioner, to be used in *aiding* the establishment of free schools. The fund to be apportioned among the counties, each according to its white population, taking the census of 1845 as the present basis of apportionment. It should be the duty of the School Commissioners to establish schools. And whenever the funds of the township was insufficient to employ a teacher, a portion of his wages should be paid out of the general fund; and the whole should be so divided that there should be a free school in every inhabited township, at least a part of the year. If the fund would employ a teacher but for three months, let the school be taught for that length of time.

Such is the plan which I have devised. If it does not meet the legislative sanction, my hearty co-operation is tendered in any other scheme which gives reasonable promise of success. In the final arrangement of any plan much must be included by way of detail which it would be inconvenient to embrace in a general recommendation; and I hope it may not be considered as stepping beyond the limits of propriety to say it will give me pleasure to aid in the arrangement of these details, should the plan which I have recommended be sanctioned by the Legislature.

PLANTERS BANK BONDS.

The financial condition of the State is such that I entertain a lively hope, that the day is not distant when we shall pay an instalment on the bonds issued on account of the Planters Bank, and thereafter meet them regularly and promptly as they fall due. I

will not deceive you or our common constituents with the delusive hope that any considerable amount will ever be realized from State stock in the Planters Bank and the Mississippi Rail Road Company. Something may be obtained, and most certainly every legal and proper means should be resorted to to secure as much as possible; and the Legislature ought especially to abstain from any act which could by the remotest possibility endanger the State's interest in either of these institutions. It is idle, however, to rely on the assets of these corporations to meet the bonds. It is unjust to require holders of these bonds to await the final settlement of the bank's affairs for their proper dues.

I have not permitted myself to doubt that the State would at the earliest period, consistent with her engagements to other creditors commence the payment of these bonds. They have been thrown upon us unexpectedly, and hence we have not been prepared to meet them. The large dividends declared by the Planter's Bank for many years and the supposed solvency of the Rail Road Company, during its brief but unfortunate career, lulled the public mind into security. The sudden explosion of both these institutions startled the people with the unlooked for intelligence, that a fund of two millions of dollars had, in a great measure; been lost, and that a heavy debt had, in consequence, been thrown on the Treasury for payment. They have not shrunk from their legitimate responsibility, *and they never will.* I speak confidently, because in 1843 I maintained the State's liability to pay this debt, and the people sustained me. In my inaugural speech, I reiterated my opinions, and they have ever since been undisguisedly proclaimed, and the people have again elected me by a greatly increased majority.

The first provision made by the Legislature for the issuance of these bonds was in 1830. By the 1st and 7th section of an Act chartering the Planters Bank, approved, February 10, 1830: and by the 4th and 5th sections of an Act, supplemental thereto, approved, December 16, 1830, the faith of the State was pledged, and provision made for issuing two millions of dollars in State bonds.

In pursuance of these sections the first 500,000 dollars of six per cent. bonds were issued and sold in 1831. (See Doc. herewith transmitted.) It has been intimated that these bonds were unconstitutional, and the reason assigned, is that the 16th section of the Act of 1818, which was supplemental to that of 1804,

chartering the "Bank of Mississippi," pledged the faith of the State, that "no other bank" should be established in this State during the continuance of the aforesaid corporation, "and that in derogation of this pledge, the Planters Bank was established; and that by the 1st and 7th sections of the charter, and 4th and 5th sections of the supplement, these bonds were issued. I think it may be well questioned whether the Legislature of 1818 did not transcend its powers in undertaking to guarantee the exclusive right of banking in the State to a single corporation, for a series of years. There was nothing in the constitution of 1817 expressly giving this right, and the Legislature of 1818 was assuming too much perhaps, when it undertook to forestal the action of each subsequent Legislature to the year 1834, when the charter of the old bank was to expire.

On the mind of those who believe the Legislature has the power to repeal bank charters, the argument that the "Planters Bank" conflicted with the rights "of the Mississippi Bank" will fall "as seed sown on stony ground." And to those who believe with me, that the powers of one Legislature are commensurate with those of another, where no exclusive constitutional rights are given to one over another, it will seem almost conclusive that the Legislature of 1818 had no right to assume the exclusive and entire control over the subject of banking, as they did for a period of 16 years.

True, the opinions of gentlemen distinguished for their legal ability, have been invoked, and are said to sustain this position. These gentlemen may have been wrong. If they meant to say that the issuance of the bonds was unconstitutional, it is, to my mind, most palpable that they were so.

There was nothing in the constitution of 1817 which forbid the Legislature to pledge the public faith for a loan of money. They did pledge it, and on that faith they borrowed 500,000 dollars, which was invested in Planters Bank stock, on which the State, for many years, received the dividends; and would doubtless have continued to receive them if the bank had continued to declare them. I do not now undertake to controvert the unconstitutionality of the bank charter; that is not material to my purpose. The State received the money, and she had a constitutional right to receive it in the way she did; if she invested it in the stock of an unconstitutional bank, of her own creation, such investment does

not, in my judgment, weaken the obligation which she is under to pay it back. But the argument of its unconstitutionality, if solid, only applies to the first 500,000 dollars. The people of the State assembled in convention in 1832 to revise and amend their constitution. By the 9th section of the 7th article of the constitution which they then made, they imposed limitations and restrictions on the power of the Legislature to pledge the public faith for loans of money. And now, as evidence that they were satisfied with the disposition which had been made of the 500,000 dollars, they expressly provided "*that nothing in this* (*9th sec. 7th act,*) *shall be so construed as to prevent the Legislature from negotiating a further loan of one million and a half dollars and vesting the same in stock reserved to the State by the charter of the Planters Bank of the State of Mississippi.*"

It is now suggested that the convention did not mean to weaken or to give additional force to the pre-existing obligation incurred by the Act of 1830. That they did not intend to incur an obligation even to pay back the "one million five hundred thousand dollars" which they were thus particular in reserving to the Legislature the power to borrow. In short, that they meant to leave the whole matter where they found it. Such a suggestion does but little credit to the wisdom or integrity of the men who framed our constitution. They represented the sovereign power of the State. They stood above the law and above all contracts, and especially were they above laws and contracts which were unconstitutional. And if the Legislature of 1830, in its zeal to obtain money, had been hurried over the ramparts of the constitution, it was the duty of this convention, not to leave the matter where they found it; not to say go on and obtain more money by the same unconstitutional means; not to say you shall have power "to negotiate a further loan," but you shall have no power to pay back what you borrow —but it was the duty of the convention, by every sentiment of national faith, by the loftiest principles of honesty and fair dealing to have abrogated the law, and to have forbidden the issuance of any more bonds. Failing to do this, and absolutely authorising their issuance, the convention impliedly legalized all that had been done, and rendered the State firmly and fixedly liable for the one million five hundred thousand dollars, which it authorised to be issued. Let us deal honestly with ourselves, and we shall do no injury to others. Our unbiased judgments tell us that the framers

of our constitution believed that the first 500,000 dollars had been well disposed of, and they intended to obtain and invest one million five hundred thousand dollars in the same way.

But it is asserted that one generation cannot bind another to pay a public debt. The argument, *if plausible*, is not applicable to our condition. We are not the posterity of the men who lived thirteen years ago, but if we were, I should maintain, that if we transmit to those who come after us, our lands and the fullness thereof, it will be no grievous hardship, if we transmit with them such debts as we cannot, without serious privation to ourselves and our families, pay off and discharge. The fairest way, however, to answer the argument that posterity is not bound to pay our debts, is to pay them ourselves, and that is just what I recommend.

The first series six per cent. bonds (500,000 dollars) were issued in 1831, payable in four instalments of 125,000 dollars each. The first was due July 1st., 1841; the second will be due the first of July of the present year; the third July 1st., 1851, and the fourth July 1st., 1856. The second series five per cent. bonds (1,5000,000 dollars) were issued in 1833, and are payable in three instalments of 500,000 dollars each, the first on the first day of March, 1861; the second March 1st., 1866, and the third March 1st., 1871. The interest on the first series was paid to July 1839, and on the second to March 1st., 1839, since which time nothing has been paid. It will be observed that an instalment of 125,000 dollars has been due since July 1st., 1841; and it will be found on calculation, that there is interest due on the six per cent. to the first day of the present month 195,000 dollars, and on the five's 512,500 dollars, which two items being added to the 125,000 dollars principal makes an aggregate of 832,500 dollars principal and interest, due on the first day of this month, (January, 1846.)

It will be seen that the bonds draw an aggregate interest of 105,000 dollars annually, which is payable semi-annually on the first series in July and January, and on the second in March and September, and that the principal falls due at periods of five years from one instalment to another. If the sum now due was paid, it would require only 130,000 dollars annually, up to July 1st., 1856; to meet both principal and interest as it falls due in future, and after that time, 175,000 dollars annually to March 1st., 1871.

It has already been seen that there has been paid into the Treasury in Auditor's warrants, on account of the sinking, fund, 84,000 dollars: this sum, it is confidently expected, will be increased to 125,000 dollars by the first day of July, 1846.

The Legislature need not be reminded that this fund stands pledged for the payment of these bonds. Nor do I deem it necessary to admonish you that no further delay should occur in its payment to the bond-holders, than is absolutely required by the embarrassments of the Treasury. I hope indeed, it may be found expedient to make an appropriation at this session, payable in July next, of a sum sufficient to cover the amount of the sinking fund in the Treasury at that date. If this cannot be done, there certainly can be no reason why it should not be paid in July, 1847, as by that time the Treasury will have realized the revenues for the fiscal year 1846. The State has upwards of 22,000 acres of land belonging to the sinking fund: it would be well for the Legislature to make suitable arrangements for selling these lands; and I recommend that the State Commissioner be authorized to sell them for Planters Bank bonds and cupons *that are now due* or for Auditors warrants. If properly managed they will go far towards liquidating so much of the debt as is now due and unpaid. If the Legislature would authorise the Commissioner to receive bonds and cupons due prior to January 1st., 1846, in payment of any debt due the sinking fund, I am persuaded it would facilitate collections and be of great advantage to the fund and to the State.

In view of the present condition of the State, I advise the policy of paying the principal and interest of her bonds as they fall due in future; and that she apply only the means which I have suggested and such surplus funds as she may have from time to time, to the payment of that portion of the debt which is now due and unpaid.

Being in arrears, it will require an effort superior to the means of the State, to bring up the entire account at once; but if she sets out with a fixed purpose of meeting the debt hereafter as it falls due, it can and will be done. It has been shown that the revenue for the present year, will approximate four hundred thousand dollars. The expenses of the State Government will not exceed 175 thousand dollars per annum in future, including the interest on the school fund, admitting that my suggestions on that subject are adopted. After paying for the erection of the college buildings at Oxford,

say fifty thousand dollars, and taking up the outstanding Auditor's warrants, and meeting the economical expenses of the government, there will be a surplus this year; and next year, without an alteration in the laws, which shall produce a reduction in the revenue, there will be a surplus of at least one hundred and seventy-five thousand dollars, and thereafter that amount annually, deducting fines, forfeitures, licences and such other items as I have already recommended, should be given to the school fund.

It will be seen that with these means, we can pay the bonds as they fall due, and have something left to pay on the account now due. If, in the end, we receive any considerable amount from the banks, it will come in time to pay a portion of the bonds which fall due some years hence.

The reduction made in the expenditures of the State Government, by the act of the last Legislature regulating salaries, &c., will greatly assist us in our effort to meet the public debt. It was a wise law and admirably adapted to the embarrassed condition of our finances. The general anxiety among men of acknowledged talents, to accept office, is, perhaps, the best evidence that the salaries are high enough.

There may be a still farther reduction of our expenses by a proper regulation of the Circuit court practice in criminal business.—One of the heaviest charges on the Treasury, is the payment of costs where the State fails in the prosecution. If District Attorneys were required, under proper penalties, to be constant in their attendance on grand juries, and clerks and sheriffs appropriately punished for neglect of duty, in failing to issue or to serve process, it would go far to remedy the evil.

There should be a day set apart by law for taking up the criminal docket, and when taken up, it should be disposed of without intermission or delay. In this way, multitudes of witnesses now detained at court from day to day, and finally discharged at the costs of the State, might be let off in half the time, and the business of the State be better, because more promptly attended to.

The census taken in 1845, a return of which is herewith transmitted, exhibits the aggregate white population of the State at 241,688. In apportioning the representation among the several counties, I respectfully suggest that the public interest may be promoted by reducing the whole number of representatives consider-

ably below what it now is. Such reduction will lessen the expenses of the legislative department, and expedite the transaction of business, whilst it will not, I am persuaded, detract from the wisdom of legislation, or impair, in the least degree, its adaptation to the wants of the people. The Senate, though a smaller body than the House of Representatives, has always originated one half, at least, of the important busines. Its deliberations have been marked with as much wisdom and courtesy as those of the House, and its business despatched in less time.

I estimate that the session may be shortened by the proposed reduction one fourth, which in a session of ordinary length, will be fifteen days. The Legislature, with its present number of members, sets at a cost of about six hundred dollars per day, or nine thousand dollars in fifteen days, excluding appropriations and printing. The pay of members alone, is five hundred and forty dollars a day. If the number of members were reduced one-forth, there would be a saving in this item alone, of one hundred and thirty dollars per day, which, in a session of forty-five days, approximates six thousand dollars. If the Legislature thinks with me, that reducing the number of representatives will not impair the wisdom or utility of legislation, I am sure they will take pleasure in adopting my suggestions *as a measure of economy.*

When the people are heavily taxed, they have a right to expect a proper and economical use of the money; you will always be ready, I am sure, to devise means of your own, or to carry out the suggestions of others in the fulfillment of these expectations.

Complaints have been made that the taxes are too high. Coming, as you do, directly from the people, you are presumed to know more of their opinions on this subject than I do. Their will must be obeyed. The people cannot be taxed against their consent.—I hope they will not lighten their burdens at the expense of the public credit. On this point I defer to their representatives, but I should illy discharge my duty to them, if I did not say that the public credit is not in a condition to be sustained under any sensible reduction in the aggregate amount of the revenue. If the taxes are equalized in a greater degree, so as to distribute more justly the burthens of taxation, and yet not reduce the gross receipts into the Treasury, I will be greatly pleased; but I should be sorry to witness any legislation calculated to relapse the credit of the State into

that long and painful disorder from which it is but just now recovering.

QUO WARRANTO.

The "quo warranto" act of 1843, has been a fruitful theme of controversy for some time past. Whatever may be said of that act, and the objects which it was intended to effect, it is undeniably true, that the Legislature is under the strongest possible obligation to the banks and their debtors to pass such laws as will secure them "right and justice," without "denial or delay." If it is asserted that a banking corporation has forfeited its franchises, the question of forfeiture should be judiciously inquired into; and it is the duty of the Legislature so to legislate, that the enquiry may be had without delay, and without perplexities or expense to either party, other than such as may be necessary for the full and fair administration of justice. What is to be the effect of a forfeiture judicially ascertained, as to the property of the corporation, or as to debts due to or from it, is a question properly referable to the judiciary, and with which the Legislature and Executive have no concern.

BANKS.

Unfortunately for the stability of our institutions and the safety of society, political communities seldom profit by the experience of the past. The lessons which were taught us during the banking mania in this State—the deep and vital wounds which were inflicted on the morals and good order of society, will be entirely forgotten in the lapse of a few years. Whilst the recollection of these events are fresh in our minds it will be well if we make an enduring record of the hostility they have engendered to banks and banking; and to this end I advise an amendment of the constitution, forever prohibiting the establishment of banks in this State.

STATE ARMS—MILITIA.

A letter from the United States Ordnance department is herewith transmitted. It shows that from our territorial organization to 1843, there has been sent to Mississippi arms and accoutrements to the value of sixty-four thousand dollars. The report of the Quarter Master General will exhibit the present condition of these arms. The State is now in the annual receipt of four hundred and forty muskets, which, valued as they are by the United States, at thirteen dollars each, are worth five thousand seven hundred and twenty dollars. The number will increase with our increasing popula-

tion. It will be seen that almost all the arms heretofore sent to the State have been wasted. The prime cause of this has been, that the State has never provided a place for their safe keeping.

I recommend the erection of a public armory in this city, in which all arms and accouterments, not in actual use, shall be kept. The greater portion of the work may be done by the penitentiary convicts, so that the actual outlay of money need not be great.—This being done, there should be appointed a quarter master and an assistant, to superintend the armory and take care of the public stores. All volunteer companies now having, or hereafter receiving arms from the State, ought to renew their bonds every year, and give such additional security as the Quarter-master may require.

I believe the public interest requires and the public voice demands a change in the militia system. The trainings under the present law are attended with a loss of time and annoyance to the people, greatly exceeding any real benefit which they derive. It is a very great mistake that militia musters prepare the people for actual service, or train them to a soldier-like use of arms. They go to muster for the most part, to amuse and be amused, regarding the whole affair as an expensive farce; they perform their parts for the fun, and not the profits of the play, and are always glad when it is over.

There are now in this State about forty-five thousand persons subject to militia duty. If they are required by law to drill only four days in each year, there would be lost in time 180,000 days. Time, to a man of enterprise, is money. Suppose each day to be worth fifty cents, and there is an aggregate loss of ninety thousand dollars. The law, such as it is, I have endeavored to see enforced, I regret to say with ill success. The people are opposed to it, and many of them can neither be persuaded or coerced into obedience to it. Some obey and some do not. This engenders a spirit of jealousy, as to the injustice and unequal operations of the law. The disobedience of some encourages disobedience in others, and a disregard of law in one respect begets a disregard of it in another. Under such circumstances it becomes a question for your serious deliberation, whether you will not abandon the present, and adopt some new system.

Looking to the possible disturbance of the country, by invasion

or internal commotion, the present law ought not perhaps to be repealed. It might be suspended in its operations and put in force on any sudden emergency, by an executive proclamation. The active military force should consist of one volunteer company in each regiment, which contains five hundred or more efficient men. These companies should be required to train at least one day in every month; and for this service, the members should be exempted from road and jury duty.

The public arms should be distributed to them from the State Armory by the Quarter-master General, who should also be a competent drill master; and it should be made his duty, to visit each company once in every year, under the direction of the Governor, and drill two entire days. For this purpose, the Quarter-master should receive a competent salary; and his assistant, whose duty it should be to superintend the business of the Armory, in the necessary absence of the Quarter-master, should have a fair compensation also. It will be seen on examination, that the money drawn from the Treasury under this system, will be less, by some hundreds of dollars, than under the system which now exists.

The companies should contain sixty-four members each, eight to be taken from each Captain's beat in the regiment, and in case more than eight should offer, let it be determined by lot who should serve. Vacancies should be filled by election; and if at any time a company was found to have neglected its duties grossly, either in not drilling or not taking care of its arms, or in failing to enfore the discipline of the corps, such companies should on the certificate of the drill master to that effect be disbanded by the Governor.

PENITENTIARY.

The employment of the penitentiary convicts in the mechanic pursuits, continues to be a cause of complaint. These complaints are well founded in some respects, and demand, as they will doubtlets receive, your respectful consideration. I have collected sundry reports and other papers on this subject, which I have the honor herewith to transmit to the Legislature. I invite special attention to the letters from the Ohio and Louisiana Superintendents of State prisons. It seems evident in a country like ours, which consumes so large a quantity of woollen and coarse cotton goods, that they may be manufactured to advantage; and I do not therefore hesitate to advise the Legislature to embark a portion of the labor of the prison in the fabrication of these articles, with a view to its ultimate

conversion into a manufacturing establishment, should the experiment succeed. If the State purchases slaves to carry on her public improvements, provision should be made by law for having them clothed from the penitentiary.

The report of the Inspectors and officers of the Penitentiary, for the year 1844, exhibits the net profits of the institution at $1337, and the report for 1845, shows the net profits for that year, to have been $5110 02. Both reports are herewith sent to the Legislature.

LUNATIC ASYLUM.

We have never provided an assylum for lunatics, nor a refuge for the insane, in this State. The best feelings of humanity require that this omission should be supplied. I recommend that suitable buildings be erected, and such other means adopted as are best suited to the condition of this unfortunate class. The buildings need not be costly, nor the arrangements for the maintainance of the lunatics very extensive for some years to come; both, however, should be equal to the present wants of the country.

AMENDMENT CONSTITUTION AND MISCELLANEOUS.

The Legislature at its last session, proposed two amendments to the constitution: the first was in regard to slaves, and the second was a proposition in substance, to divide our judicial from our political elections. The required notice was given through the public gazettes in both cases, by the Secretary of State. The first of these amendments in regard to the slaves, has received the required number of the popular votes, and needs only to be inserted, by order of the Legislature, to become a part of the constitution.—The second proposed amendment, did not, I regret to say, receive a constitutional number of votes, and is therefore lost for the time being. I regard this as the most important of the two proposed amendments, and the returns show that it is favorably regarded by the people; a large majority of those voting on the question, voted for it, but they have fallen short of a majority of the whole vote cast for members of the Legislature. I recommend that the question be re-submitted in 1847. The main object of its friends will be attained if it passes then, as with a single exception, the judges now in office, retain their places till 1849.

Most of the States of the Union have proposed an interchange of laws, reports and legislative documents. In the absence of any

legislation on the subject, I instructed the Secretary of State to send ours in exchange for such as were sent to us. This course, I hope, will meet the sanction of the Legislature, and that authority will be given to pursue it in future, otherwise it will be abandoned.

Complaints are frequently made that difficulties are encountered in procuring the proper acknowledgments of deeds, and other instruments of writing in the different States, to be used in this State. The evil has been remedied in other States, and may be in this, by the appointment of a commissioner to take these acknowledgments, who shall depend for his compensation entirely on the perquisites of office, and who shall reside at the principal commercial point in the State for which he is commissioned.

The report of the State commissioner herewith transmitted, will bring you acquainted with the progress made in the business entrusted to his charge. The present condition of the several funds under his management, seems to render it necessary that power should be given to effect compromises. I invite your attention to his suggestions on this point. It appears to me, that the interest of the State will be secure, if the commissioner is allowed to make compromises under the legal advise of the Attorney General, subject to the approval of the Governor.

I herewith transmit the report of the commissioner of the seminary fund, and a communication from the Attorney General.—From these you will learn the condition of the several matters entrusted to their official charge. Communications from the Adjutant General and the Quarter-master General, are herewith enclosed. These reports and communications make it manifest that greater security should be required of those having the custody of the public money and property. I recommend that hereafter all bonds taken for the safe-keeping of the public money and property, shall operate as a judgment lien on the property of the obligors.

The accompanying correspondence with the stockholders and assignees of the Mississippi Union Bank, will acquaint you with the fact, that five millions of dollars in State bonds, issued on account of that institution, were delivered to me on the 14th April, 1844. The bonds were deposited in the State Treasury, and were cancelled by my direction.

On the 21st February, 1845, I received the resignation of the

Hon. R. J. Walker, United States Senator from this State, and immediately thereafter tendered the appointment to the Hon. Jacob Thompson, who declined it. On the 3d day of November last, I appointed Joseph W. Chalmers, Esq., of Marshall, to fill the vacancy, and that gentleman is now in the discharge of his duties at Washington, where he will remain until a successor elected by the Legislature, is sent on.

GENERAL JACKSON.

I have the honor to transmit resolutions of the Texian Congress, passed June 21st., 1845, tendering to General Andrew Jackson the tribute of a nation's gratitude. It was not given to the venerable patriot to receive this tribute. He died at the Hermitage 8th June, 1845, full of years and full of honors. The resolutions are not more honorable to Texas than they would have been gratifying to the eminent man for whom they were intended, had it pleased Heaven to lengthen out his days until he had received them.

The perusal of these resolutions awaken in our minds the liveliest recollections of a man who has left the impress of his mighty intellect on all the interests and institutions of his country. He was ever the fast and unchanging friend of Mississippi. Firm and inflexible in his purpose, wise in council and terrible in war; he possessed a mind to comprehend and will to serve our wants—his was a heart without guile, and in his bosom the fires of patriotism never went out. Whether in the field, at the red man's council fire, in the Senate or chair of State, or in later years, when stricken by time, we see him bowing before the altar of the great I AM, his cares, his toils, his affections and his energies were given—always given to his country. He has descended to the tomb, but it is left with us to manifest our respect and veneration for his name. In token of the deep sense of gratitude which we feel for the past political and military services of this great man, I respectfully suggest that one of the niches in the rotunda of the capitol be filled, by order of the Legislature, with his statue in marble. And as he was in life purely an American; in mind, body and soul, wholly and entirely an American citizen, this tribute will only be complete when the work is done by an American artist in American marble.

Resolutions from the different States have been forwarded to me from time to time, with requests that I should submit them to

the Legislature. They relate to a great variety of subjects, some of which, may require your attention. They are submitted to your consideration.

Of the contingent fund of the Executive Department, I have paid out on account of 1842–3, - - - - $421 00
" " " 1844, - - - - $3629 39
" " " 1845, - - - - $2905 85
for which I shall be pleased to exhibit vouchers to a legislative committee.

A book of great value in the administration of our probate laws has been compiled and published, by Ralph North, Esq., of the city of Natchez. I recommend that a sufficient number of volumes be purchased by the State, te supply the several probate courts and the State library.

I have thus, gentlemen, at the hazzard of being tedious, given you my views on such subjects as in my judgment, merit your attention. The absence of the Legislature for two years has permitted a great number and variety of subjects to accumulate, the presentation of which, to your consideration, has required unusual space. Apologising for any unnecessary prolixity in this communication, I conclude with an earnest invocation to the Divine Power so to direct your councils that all your acts may redound to the happiness of the people and the glory of our common country.

A. G. BROWN.

EXECUTIVE CHAMBER,
January 6, 1846.

DOCUMENTS ACCOMPANYING THE GOVERNOR'S MESSAGE.

LETTERS RELATING TO THE SCHOOL LANDS.

EXECUTIVE CHAMBER,
City of Jackson, Miss., 23d September, 1845.

DEAR SIR: Intending to bring the subject of Schools to the attention of the Legislature at its next session, I have to request you to furnish me with information on the following points:

1st. How many 16th sections have been sold in your county?—At what price were they sold, and what disposition has been made of the money?

2d. How many 16th sections remain unsold, and what is the probable value? *State it in dollars and cents!*

3d. What number of schools in your county are now supported in whole or in part by the proceeds of the 16th sections? When the school has been supported in part only? What proportion does that part bear to the whole amount paid?

4th. What number of children are schooled in your county by the proceeds of the 16th sections?

5th. Have the unsold 16th sections been trespassed on, and if so, to what extent have they been damaged?

May I urge you to make your reply to these interrogatories, at as early a day as may be consistent with your engagements, and not delay it longer than the first December next.

Very respectfully, your obedient servant,

ALBERT G. BROWN.

The foregoing communication has been addressed to the several judges of probate and presidents of the boards of county police in this State.

Copies of Letters from the Presidents of the Boards of Police, in relation to the Sixteenth Sections of School Lands in the State of Mississippi.

ATHENS, MISS., September 19th, 1845.

DEAR SIR: I received your communication of the 23d September, 1845, requesting information on several points relative to the 16th sections in my county: In answer to which, I have the honor to transmit to you the following information: and as there are but nine sixteenth sections in my county, I will give it for each separately:

	No. of Children	Doll.	Cts.
Sixteenth section township 12 no. 16 w. sold, Amount of funds:		736	94
The funds are well secured by the purchasers, having been recently sold: no children as yet are educated from the proceeds.			
Sixteenth section of t. 12 r. 17 w. sold: Amount of funds:			
Loaned at 10 per cent to private persons, and well secured.			
One school ten months in the year, wholly paid from the proceeds, at which school are educated,	40		
Sixteenth section, t. 12 r. 18 w. sold. Amount of funds:		2360	00
Loaned to private persons at 10 per cent, and well secured.			
One school ten months in the year wholly paid for from the proceeds, at which school are educated,	50		
Sixteenth section t. 13 r. 18 w. all sold except one $\frac{1}{8}$. Amount funds for the part sold:		795	00
Value of the $\frac{1}{8}$ unsold,		300	00
Loaned to private individuals at ten per cent, and well secured.			
Three schools for three months in the year, wholly paid for from the proceeds, at which schools are educated,	50		
Sixteenth section t 13 r. 17 west, not sold, wholly valueless for cultivation.			
Sixteenth section t. 14 range 11 west, sold. Amount funds:		1375	00
Loaned to private persons at 10 per ce[illegible] well secured. Owing to some derange-ment in the board of trustees, there has			

	No. of Children.	Doll.	Cts.
been no children taught from the proceeds for the last year: they are sufficient for one school six months in the year, at which might be educated,	30		
Sixteenth section t. 14 r. 18 west, sold $\frac{7}{8}$: Amount funds:		1692	02
One-eighth unsold, worth,			
Scholars, about 80 to be educated,	80	240	
The proceeds will pay about one-fourth of the tuition.			
Section 16 in t. 15 of r. 7, and section 16 in t. 15 of no. 18 west. I have not had the opportunity of ascertaining the precise information, but believe they will average with the others.			

His Excellency A. G. Brown:

You will perceive that this information extends only to that portion of Monroe county lying east of the river: the west side of the river being in the Chickasaw cession.

I am, sir, very respectfully yours,

(Signed,) MATTEE GIBBS.

Mississippi City, Harrison county, Miss., October 13th, 1845.

Dear Sir: Your letter of the 23d ultimo, has fallen into my hands, asking information relative to the 16th sections in this county.

There has not been a single 16th section sold in this county, which constitutes an answer to almost all the questions propounded.

There are 24 16th sections unsold in this county, worth at present an average of about $300 a section. One of them is mostly in the Bay of Biloxi, and partly covered by an old Spanish grant. The Secretary of the United States Treasury has been requested to locate another section in lieu of this.

There are five fractional townships on the coast in this county, that have no 16th sections or other lands reserved for schools, on account of the size of the fraction in some cases, and others, the 16th section has been taken by Spanish and other grants. A similar request has been made of the Secretary of the U. S. Treasury to locate lands for some of them.

We have in this county but four common schools, at which about

75 children are instructed on an average, while there are about 300 others that ought to be at school in the county.

Our population is at present much scattered, and is one of the great difficulties to be overcome in this, as in all new settled counties, by individuals in getting means of instruction for the children.

I sincerely hope your Excellency's efforts to get a good system of education established throughout the State, will be crowned with triumphant success the ensuing winter.

I shall probably have it in my power to further, in some small degree, your laudable efforts to effect so desirable an object, as I am before the people for a seat in the Legislature, and my friends say I will be elected. A month more, however, will give us more certain information.

Very respectfully, your friend and servant,

(Signed,) JNO. J. McCAUGHAN.

JONES COUNTY, October 23d, 1845.

To your Excellency A. G. Brown:

SIR: Your interrogatories in relation to the 16th sections, is now before me, and I take great pleasure in giving you all the information on the subject I can.

1st. There never has been any 16th sold in our county.

2d. We have only 16 sixteenths in our county.

3d. Three of them have been trespassed on, but nothing damaged: on the contrary, their value enhanced.

There is but four 16ths that is worth anything, that I can speak positively about, and I should state their value thus:

Four sixteenths, a 50-100 per acre,	$1280
Four sixteenths, a 640 each,	2560

The balance of the sixteenths I consider valueless, they being poor piney woods.

By reference to a correct map of the State, this county is imposed upon in this particular. You will there perceive that township 10 is a fractional one, and in running out the Choctaw nation, that township was made complete and all the 16th falls to another county, Jasper. Again, you will perceive that the western boundary of our county extends to the centre of range 14 west, but does not include any of the 16th within range 14. Jones county then

loses as much as two 16ths on the west, and two in the north; and those on the north are, as far as my knowledge extends, valuable. Your Excellency will therefore do well to drop a hint in your message to the next Legislature, (when speaking of schools,) to have this matter equalized among the counties, or school districts.

Very respectfully,

Your obedient servant,

(Signed,) JAMES M. EVANS,

Judge of Probate.

ISSAQUENA COUNTY, Oct 25, 1845.

His Excellency A. G. Brown:

SIR: In answer to the questions contained in your printed circular, I regret to say that I have so little information to give you.—This county is a new one, and all the records are in the county of Washington: the officers of that county have refused us copies of all the papers—those, indeed, which relate to our school lands.—The school lands on the front have all been sold, and are valuable. I do not know the number of sections unsold. There is not a school in this county, supported in whole or in part, by the school fund. I understand that a large amount of timber has been taken from some of the school sections, and I have requested the members of the board of police residing there to put a stop to the evil.

With the highest respect,

Your obedient servant,

GEORGE G. SKIPWITH,

President Board Police Issaquena county.

YALLOBUSHA COUNTY, October, 29th, 1845.

DEAR SIR: Your circular of the 23d ultimo, addressed to the board of police of this county, making enquiries in relation to the school lands, &c., &c., in this county, I received some weeks ago.

I regret it is not in my power to give satisfactory answers to any of the five questions you have submitted. The school commissioners are not required to return to the police court an account of their proceedings, so as to furnish any data upon which to give you information. I do not believe the 16th sections have generally been

managed so as to be of much benefit to the school fund. I *know* of but two, where the proceeds have yet been of any benefit. I believe the 16th sections have generally been sold where the lands were worth anything. This is a populous county—many children in it. As far as my observation extends, a very great disposition prevails in parents to educate them; but I can give you no information "what number are supported," in whole or in part, by the proceeds of the 16th sections; but low, tho', I think: nor do I believe, under the present system, there ever will be many.

I am glad you propose bringing the important subject of schools before the Legislature: hope you will devise and suggest some better plan than is now in operation. The responsibility of those who have to attend to the school fund, is so divided, it rests on so many, that it is attended to by nobody. Let there be as few agents as possible, and make their responsibility *direct, positive* and *certain*. No system, no matter what it is, will ever succeed where there are many agents and a divided responsibility. The truth is, we have so many elections *by the people*, such frequent changes for cause and *without cause*, that by the time a person in office becomes acquainted with his duties, his term expires, he retires, or is thrust out by some one else, who knows nothing (probably) of his duties; and if disposed to learn, like his predecessor has to share the same fate. We all know and feel the truth of these things every day in nearly every officer under the government, and yet we look on, suffer, submit, and attempt no change.

Very respectfully, yours

J. H. LEIGH.

NATCHEZ, November 4, 1845.

Governor Brown:

DEAR SIR: Since I had the honor to suggest to you a short plan for public schools, I have seen many others in the newspapers, all of which, I think, objectionable, on account of the distinction they make between rich and poor, their complication and their expensiveness. It is necessary to the success of the scheme, that such errors should be avoided; and particularly, that no distinction be made between *rich* and *poor*, which cannot be certainly prevented without a fundamental rule, that *no tuition fees are to be charged*,

under any circumstances. I doubt the propriety, also, of making the system *obligatory*, at first, further than to require one school to be established in each county, as suggested in my former letter, and all the expense, independent of what is borne by school lands. State funds should come from the county treasury, without any special *school tax.* This feature was thought an independent one in the early laws of Massachusetts.

Respectfully, your obedient servant,

C. P. MERRILL.

JACKSON COUNTY, 6th November, 1845.

ALBERT G. BROWN,

Governor of the State of Mississippi:

DEAR SIR: Your letter of the 23d day of September last, was duly received, and in reply to the several interrogatories, I have to state, to the first,—"How many sections have been sold in your county? At what price were they sold, and what disposition has been made of the money?" Answer—none has been sold.

To the second—What is their probable value? Answer—very little value.

3d. What number of schools in your county are now supported in whole or in part by the proceeds of the 16th sections? Answer—none.

4th. What number of children are schooled in your county by the proceeds of the 16th sections? Answer—none.

5th. Have the unsold 16th sections been trespassed on, and if so, to what extent have they been damaged? Answer—none has been trespassed on to my knowledge.

Very respectfully, your ob't serv't,

JOHN FAIRLEY.

RALEIGH, Smith County, Mississippi,
November 7, 1845.

DEAR SIR: In compliance with your request I beg leave to communicate to you the following information respecting the 16th sections in my county, viz:

1st. There has been but one sixteenth section sold legally;

which brought one hundred and twenty-five dollars only; the money has been collected and loaned out at interest.

2d. There are twenty sections remaining unsold; the 16th sections in this county are generally of an inferior quality of lands; and are not probably worth more than six thousand dollars.

3d. There are no schools supported, either in whole or in part, by the prsceeds of the 16th sections.

4th. There are no children schooled by the proceeds of the 16th sections in my county.

5th. The unsold 16th sections have been trespassed on to some extent, but whether any of them have been damaged thereby or not, I am not prepared to say, but am of opinion that the improvements made on them, in a majority of cases, will enhance their value, provided they are sold or leased soon.

The information above given is the best I have or could obtain; not having an opportunity to examine all of them myself, I obtained the best information I could from others.

Very respectfully, yours &c.,

W. F. BOWLING,

President B. P., I C.

NOVEMBER 7, 1845.

Governor A. G. BROWN:

DEAR SIR: I proceed to answer your request concerning the 16th sections in Jones county, State of Mississippi.

1st. How many 16th sections have been sold? Answer—none. The second is: How many 16th sections remain unsold? Answer—all. I shall now give you what is their supposed value, as follows:

16th Sections	Township.	Range.	Dollars.	Cents.	
1	6	10	00	00	
2	6	11	00	00	
3	6	12	00	00	
4	6	13	20	00	
5	7	10	00	00	
6	7	11	00	00	
7	7	12	5	50	
8	7	13	200	00	trespassed on.
9	8	10	00	00	
10	8	11	10	00	do do
11	8	12	10	00	
12	8	13	150	00	do do
13	9	10	200	00	do do
14	9	11	10	00	
15	9	12	00	00	
16	9	13	10	00	
			$615	50	

5th. Have the unsold 16th sections been trespassed on; and to what extent have they been settled? On which, from all information I can get, makes them more valuable, which the list will show them that have been trespassed on.

I am, your ob't serv't,

DAVID N. CARLILE, *P. B.*

STATE OF MISSISSIPHI,
Wayne County, Nov. 32, 1845.

SIR: In compliance with your request, I return such answers to your interrogatories as I have been able to collect. Your letter did not reach me until a few days ago, and not having been long a resident of this county, I have to depend on such information as I could hastily collect.

1st. Two 16th sections have been sold: four hundred acres of one section was sold for one cent per acre: the remaining two hundred and sixty acres has never been sold. The other section was sold—the whole of it—the amount it sold for, I do not know; and if any more was received, I do not know what disposition was made of it; nor do I believe that any titles have been made to an and sold of the 16th sections. It is also believed, that the lands above mentioned were illegally sold.

2d. From the best information I can get there is but three 16th sections in this county that is worth any thing; two of them are those that have been sold; the other has never been offered for sale: the three sections, if sold at a fair sale, would probably command two thousand dollars.

3d. There is not now, nor has there ever been, a school in this county supported, in part or in whole, by the money realized from the sale of the 16th sections.

4th. There is not one child in this county schooled by the proceeds of the sales of the 16th sections.

5th. There are now trespassers on the best 16th sections—there are three trespassers on the best 16th section, that never was offered for sale. I suppose the damage the 16th sections have sustained by trespassers has not been very great; but should they continue to live upon them, and to clear lands, as they have done, they would be very much damaged in the course of a few years.

The most of the 16th sections, one not worth any thing; and there is but three in this county that is considered worth selling. There is not a county in this State where education is more neglected than this. There is now in the hands of the county treasurer about two hundred dollars of the literary fund, the greater part of which, I am informed, was collected from fines.

Very respectfully, your ob't serv't,

T. J. CHAMBERS,

P. B. C., P. W. C.

To His Excellency, A. G. Brown,

Governor of the State of Mississippi:

Sir: In a communication from you, dated 23rd September, 1845, propounding several interrogatories, I now hasten to answer as near as I can.

One 16th section has been sold only in my county, which sold for $335. Three hundred and thirty-five dollars, which amount of money is at interest.

And there is yet 15 16th sections unsold in my county, worth probably, fifteen hundred dollars.

There is no school in my county supported by such a fund. I

do not consider that the 16ths in my county have been damaged any as yet.

I hope the above will meet your wish.

Yours, Respectfully,

J. A. WILCOX, *President*
of the Board of Police.

NATCHEZ, November 26, 1845.

To his Excellency, A. G. BROWN:

DEAR SIR: In accordance with the request contained in your circular of Sept. 23rd, addressed to the president of the board of police of Adams county, in relation to school lands, I am at length enabled, after a good deal of research, to give you the following information, viz: To your first enquiry I reply, that there is fourteen sections and fractional sections, containing in the aggregate 6095 30–100 acres—to the second query I reply, that from all the information I can gather, there has none been sold, except a fractional section, containing about two hundred acres: the proceeds of this sale supports the education of about fifteen scholars; this is the only case where children are educated by the proceeds of school lands. The unsold lands have been trespassed upon to a considerable extent; I would say, probably, to one 16th of their estimated value. The probable value of the lands might be estimated at five dollars per acre—the fractional section named, on the other side, was sold for forty dollars per acre—but this sale can afford no criterion for the actual value of other sections, as it was sold under peculiar circumstances. I have been somewhat tardy in giving you this information, but I could not do it sooner, as I was obliged to employ a competent person to visit the different sections in the county before making my reply.

I have the honor to be

Your Excellency's most ob't serv't,

B. WADE, *President*
Board Police Adams county

CHARLESTON, November, 27, 1845.

Honorable A. G. BROWN:

I attempt to answer your enquiries in reference to the 16th sections in this county, set apart for schools. I owe an apology for so long delay. I have not been enabled to get the information desired until this late day, and the elections occupied so much attention that the officers of the different departments have not been enabled to assist me in making examination, &c.

The history and condition of our 16th sections are truly wretched; nothing perhaps has been managed more recklessly than the 16th sections of this county, without the days of the Union bank should be brought to memory. I will give you, however, as correct a statement as I can possibly arrive at, which is all required by you.

The 16th section in township 26, range three east has been sold and forfeited: I do not consider it worth exceeding $160; it is almost valueless. The number of children in said township is about 100.

The number of sections sold is three, amounting to about the sum of $5,647 71, and the money in two of them has been loaned out under the old law; and there is three schools supported in part from the money, say about 60 children in the three schools that are about half supported from the proceeds arising from the sale of the lands. The 16th section sold under the law enacted by the Legislature of 1842, is a part of the amount of the three sections sold as herein stated. The amount sale of these three sections is considered to be well secured: the number of children in these townships are supposed to be about 250.

The 16th section in township 25, range 36 east, is unsold, but rents for about $85 per year: what is done with the proceeds I know not; it is worth about $1,280. The 16th section in township 24, range 2 east, is worth about $1,000.

Those remaining unsold are in number 22, and their probable value, except the second above named, I know not, neither can I ascertain, without giving myself much trouble, as they are in that portion of the county that is unsettled, and will therefore require some days to examine the lands and make that report that is desired by you without some compensation is made me: number of children about 360. I know but one 16th section of my own knowledge that is trespassed upon, and that lies upon the Talla-

hatchie river, and if I mistake not, now cultivated in part by James Shriley; it is very valuable and has been once sold to James R. Marsh, now dec'd, and the notes given for the payment of the purchase money lost. I shall ever deem it my duty to give you any information that you may desire, and your request in that respect shall be complied with.

Most Respectfully, your ob't serv't.

JAMES STEELE,
President B. P., T. C.

SHIELDSBOROUGH, November 24, 1845.

GOV. A. G. BROWN:

DEAR SIR: In answer to your request of the 23rd September, I must say to you, that being absent from the State of Mississippi, I did not receive your letter till a few days ago.

1st. There has been two 16th sections sold in Hancock county since I have been in office, and they are all that have been sold; one was sold the first Monday in March last; it sold for seventy dollars, and of course the first note is not due yet: the second was sold on the first Monday in July last; it sold for one hundred and seventy-five dollars. All the notes are in my hands.

2d. There are twenty-five and a fraction of 16th sections that remain unsold; they are mostly all in the piney woods, and what the value is I am unable to say.

3d. There are no schools supported out of the proceeds.

4th. There are no children schooled in Hancock county out of the proceeds of the 16th sections.

5th. There has been one unsold 16th section trespassed on, and as well as I can ascertain, to the amount of ten per cent. on the value. It is said that it is the most valuable one in the county. It was trespassed on about three years ago, and at that time it would have sold for four or five hundred dollars. I entered suit in the Circuit Court, but failed in the prosecution. You will excuse me for not answering you, on account of my absence.

I am, very respectfully,
Your obedient servant,

A. G. BROWN. STEPHEN MEAD,
Judge of P., H. C.

CLINTON, November 27, 1845.

Honorable A. G. BROWN:

DEAR SIR: Your communication of 23d September last, addressed to Henry G. Johnson, on the subject of 16th sections, has been placed in my hands. I can only give information as to the 16th section, township 6, range 1 west.

Sales of section,	$5,231 12
Funds belonging to section independent of the sale,	1,131 21
	$6,362 33

There are two schools on the section employed by the trustees.

Number of students at this time free of charge, with a prospect of an increase—34.

Under the late law only 8 per cent. interest has been collected, but I am under the impression that law has been repealed, so far as the 16th section funds are concerned, and 10 per cent. will be immediately collected.

Very respectfully, your ob't serv't,

E. M. LAWRENCE, *Sec'y & Treas'r,*

16 *Sec. T. 6, R. 1 W.*

To His Excellency, A. G. BROWN:

SIR: In answer to your interrogatories, I state as follows, viz:

First, two sixteenth sections have been sold for $2,390 00.

Amount paid over to the trustees, and loaned out at interest at this date, 358 40

Sales thought to be illegal, and now in law.

Second, fourteen sixteenth sections remain unsold, valued at $8012 00

Third, no schools supported by the proceeds of the sixteenth sections.

Fourth, no children schooled by the proceeds of the sixteenth sections.

Fifth, the unsold sixteenth sections have been trespassed on, but not damaged.

All of which is respectfully submitted,

ASA CHAMBERS, *President,*

Board Police Scott county.

Hillsboro Miss., Nov, 28, 1845.

BENTON, Nov. 30, 1845.

DEAR SIR: I have taken some pains to inform myself in regard to the interrogatories propounded in your circular letter of the 23d September, on the subject of sixteenth sections, but I regret to say, with little success. I will, however, proceed to answer as far as the limited information obtained will authorize:

1st. There are twenty-two sixteenth sections in Yazoo county, (including fractional sections,) and about thirteen of the number have been leased for ninety-nine years, at what price, I cannot say. Four or five of these sections were sold in *Brandon times*, and the proceeds "gone glimmering through the dream of things that were." The remaining eight or nine are appropriating their money, or the interest thereon, to the support of schools. Forty or eighty acres were generally retained by the trustees, on which school houses have been built, and schools taught.

2d. About nine sections remain unsold. A few, perhaps five of these, will sell for five dollars an acre. The remainder of little value.

3d. There are about twelve schools supported on the sixteenth sections, and controled by trustees thereof, and receiving probably one-half their support from funds arising from said school lands.

4th. There are probably two hundred children schooled in this county, by the proceeds of said sections. The trustees, in most instance, where the school fund is insufficient to sustain the school *entirely*, appropriate it to the indigent, leaving the wealthy to pay *their* tuition fees.

5th. The unsold sixteenth sections have been trespassed on to *some extent*, but not *great*, as timber is abundant in all portions of our county, and consequently, the destruction of it, amounts to little damage.

I am highly gratified at your desire to bring the important subject of education before the legislature, and regret my inability to be more explicit in regard to the situation of our county in the premises.

With high segard, your ob't serv't,

J. J. MICHIE, *President,*
Board Police, Yazoo county.

NEAR BRANDON, Rankin county, Dec. 10, 1845.

To His Excellency, the GOVERNOR:

DEAR SIR: It gives me much satisfaction to be apprised of your intentions relative to schools, and it would give me real pleasure to answer your interrogatories fully, but from the way the sixteenth sections have been managed in this county, I dispare of any thing like success, if I were to attempt it.

The sixteenth section in township five range three, a part or Brandon, by a previous act of the legislature, vested in the trustees of Brandon academy; sales were made of lots on it, nominally large amounts promised therefor, whether paid or not, I cannot tell. If paid I do not know to what use applied. Both academies, male and female, are conveyed in trust to persons for the pretended or real loans of money for their erection. I have been sending to school in Brandon, since 1837, and have paid from two to three and a half dollars per month all the time, and know of none who have fared better. That many persons claiming lots, and enjoying all the benefit thereof, which were never paid for, I do not doubt. The part of the sixteenth section which has not been sold, is free to all that will, to pilage for fire-wood, and any other timber they want. The law spoken of having taken all authority from the board of police, and the resident heads of families, and trustees of the academies, some dead, some moved off, and the balance taking no action in relation to it. Sixteenth section township five, range two, part has been sold, and there are deposited in the police court bonds, &c., for money of which, some of the parties have gone the way of all flesh, and others to Texas, and some insolvent, and a few probably good for the amount, if any action were taken, but as the prineipal heads of families will not act, and the Judge of Probate has not acted, it has never been any benefit to schools in the townships. The unsold part is in like situation with Brandon. A. W. Wilson is living on it free of all charge. Sixteenth section of township four, range two, was sold, and large improvements made, but nothing paid. Heads of families, much to their credit, have taken it back; and for the last two years have rented it annually, and it is a considerable help towards schooling the children of the township; and renting at fair prices and still improving, it will in a short time, nearly school the children of the township; and in my opinion, this should have been done in every instance from the beginning. It is probable there are, and I think there

are a few other sixteenth sections the trustees of which, are trying to do right; but the balance are managed most wretchedly, and not worth one cent towards schooling the children.

Very few of the trustees ever gave bond or took the oath of office; and instead of managing for the benefit of the rising or coming generation, are managing for self, son-in-law, John, Dick, cousin Tom, Dick or Harry, &c., &c. Some have never undergone the ruinous care of any superintendents, and except being pilaged for timber, which some of them on Pearl river are best off. Would it not be well to make it penal and inflict a severe punishment on such trespassers. Many of the sixteenth sections, and parts of them have been sold, and not one cent paid for them; the purchasers selling to third persons, and receiving pay, and in some instances large prices and running off, and the townships never received one cent. I will endeavor to procure more particular information on this interesting subject, and lay before your Excellency, as soon as possible.

In the meantime, I remain your most obedient serv't,

WM. M. WILLIAMS. *President,*
Board Police, Rankin county.

LEXINGTON, Holmes county, Nov. 25, 1845.

DEAR SIR: In answer to your request of September 23d, relative to school lands, I have endeavored to get what information I could, which is as follows, viz:

I think there is nineteen school sections in this county. eighth section has been sold. Eight hundred and eighty acres have been cancelled. Section sixteen, township sixteen, range three east, has been sold, and payment secured, : : $54 00

Eighty acres in section three, township sixteen, range two east, : : : : : 400 00

Township fifteen, range two east, sold and payment probably secured, : : : : 1700 00

Township fifteen, range three east, sold and payment secured, : : : : 601 00

Township fourteen, range four east, : : 2200 00

Township fourteen, range three east, sold and payment secured, : : : : : 1900 00

$6855 00

Amount brought over,	$6855 00
Township thirteen, range two east half section sold, payment secured,	600 00
Township thirteen, range three east sold, payment secured,	6800 00
And pays fifty per cent. of the tuition in said township.	
	$14,255 00

The balance is unsold, and a portion of it entirely worthless. I suppose it to be worth some $8000 00.

Very respectfully, your ob't serv't,

AUGUSTUS PITCHFORD, *President,*

Board Police, Holmes county.

RODNEY, Dec. 7, 1845.

To His Excellency, A. G. BROWN:

DEAR SIR: I regret that the circular addressed by you, to the president of the board of police in the several counties, relative to the number, probable value, disposition, &c., of the sixteenth sections of school lands, did not reach this county until after the time at which you desired the information to be at Jackson, otherwise it should have met my prompt attention. Believing that my compliance would not benefit your Excellency,

I remain your humble servant,

ROBERT COX, *President,*

Board Police, Jefferson county.

MILLDALE, Warren county, Miss., Dec. 3, 1845.

To the Governor of the State of Mississippi.

To Your Excellency:

SIR: We, the subscribers, citizens of township eighteen north, of range five east, wish to lay before you the situation of our township. It contains a valuable sixteenth section, that is worth in our opinion, eight or ten thousand dollars, and it is yet unappropriated as to the use of a school, which school we very much need. We

have from eighteen to twenty poor children in our township, and we have no school to school them. Your address to the Sun-flower board of police is flattering to our necessities, and shows to us your patriotism for free schools. You will please let us direct your attention to the statute of this State, (page 131, section 30,) where it provides that in the event that there shall be one or more townships, which does not contain population sufficient to elect trustees as is provided for by law, that the board of county police of the county in which the same is situated, shall lease the said section according to the provisions of this act, and in all other respects, perform the duties required of said trustees. Sir, we have urged the board of police of this county upon this subject, and they will not act for us. Sir, we have population sufficient to form a board of trustees, but those of this population who would act as trustees, are poor, and cannot give a sufficient bond for their performance as the law requires trustees should give. We are as bad off as though we had not a sufficient population to form a board of trustees; and those of this population who could give a sufficient bond have already been trustees, or purchasers of this sixteenth section. We learned from W. B. Fears, who was one of the trustees of this sixteenth section, that in the month of July, 1836, that himself, N. L. Matthews, L. A. Ward, John Rogers and S. G. Parkes, was appointed by the board of police of this county as trustees, and they got an order from the board of police to have it sold, and that it was sold for twenty-six thousand and twenty-five dollars. It was bought by W. Adams and John Purvis, who were able to make the payment when the money became due, but did not make them, so the trustees sued them upon their notes, and got a judgment for the money; and after judgment was obtained, it appears that the purchasers, Adams and Purvis, came to a compromise with the said trustees, and that the said Purvis and adams did pay to N. L. Matthews, one of the said notes, (five thousand dollars,) for that compromise. This we have from Mr. John Adams, who states to us that he himself did pay to N. L. Matthews, the money for the compromise, and if so, Matthews must have kept it, for he has never employed a school teacher, nor has there ever been a township school in the township. Also the former purchasers, Adams and Purvis, have been, and are still using the best timber for rails and boards, off of the sixteenth section. Also Adams has in cultiva-

tion some fifty or sixty acres of it, and has had ever since he purchased it.

You will favor us with your attention, and we will ever in duty pray, &c.

JACOB WEBSTER,	JOHN WATSON,
JOSEPH McCAUDLESS,	RICHARD B. POWELL,
HENRY HILL,	ASA CHAMBERS,
GEORGE C. SHEPES,	WOODFORD OWENS,
LENARD HENDRICK,	THOMAS H. HILL,
SAMUEL WATSON.	

CORRESPONDENCE ON THE SUBJECT OF SCHOOLS.

Copy of letters from Lyman Cobb, of New-York, in relation to the Common School Laws of that state.

NEW-YORK, April 16th, 1845.

DEAR SIR: On my return from a visit to the city of Philadelphia and Baltimore, I obtained your favor of the 18th ultimo. Since that time I have been engaged in collecting such reports, documents and other materials as I deem of importance to you, which I hope to transmit to you as early as the 10th or 15th of next month, perhaps sooner. But as I wish to give you explanatory notes in relation to many of the Common School Laws of this state, the causes which led to the adoption of some when the country was less intelligent and wealthy as well as less experienced in all that pertains to Public Instruction, as well as the rejection of them at a later period, I think it not probable that I shall be able to send them before the 15th. At all events, no time shall be lost on my part in rendering you my feeble aid in your laudable and praiseworthy efforts to establish Common Schools in your state.

My kind regards to my friend Dr. Rush.

With much respect, yours,

LYMAN COBB.

NEW-YORK, June 30th, 1845.

DEAR SIR: Since my letter to you, I have been engaged in collecting documents on the subject of Education, mostly in relation

to the subject of Common School Education; and I trust, that a perusal of them will aid you somewhat in your determined purpose to bring the matter before the legislature of your state.

It is, I believe, a generally admitted fact among all philanthropists, patriots, and statesmen, that to perpetuate our Institutions, *the great body of the people must be educated.*

The question which presents itself is, of course, how shall this be done? Many good men and true, seem to think that the people should be compelled, as in Prussia, by law, to educate their children, or to place them where they can be educated. Others, equally philanthropic and patriotic seem to think, that the state should make ample provisions for all to be educated, *free of charge*, and that they should be at liberty to send their children or not.

In the state of New-York, we have decided and acted upon that decision for the last thirty years, that, *to help the people to help themselves*, is the true policy in matters of education as in every thing else.

Accordingly, no town can receive any money from the Common School Fund of the stat unless that town shall raise by tax, an *equal* amount to its portion of that fund. Thus a constant interest is kept up and felt among the people.

The Common School Fund of this state, as you will perceive by documents sent you, is composed of Lands appropriated to that purpose, and the salt and auction duties. In *one* city, and in some others, and perhaps in all the other cities of this state, laws somewhat different from those applicable to the state at large exist.

It matters very little, however, what amount of funds be raised and appropriated, unless the *supervision* be good. In this state we formerly had three Commissioners and three Inspectors of Common Schools, whose duty it was to district the towns, inspect the teachers, &c.

That responsibility was too much divided. We now have a town superintendent instead of these six officers, who has supervision of all the schools in his town; and a county superintendent who has supervision of all the schools in his county, to whom the people o any town may appeal—An appeal may also be made from the decision of the county superintendent to the state superintendent whose decision is final.

One great error, in my opinion, exists in the distribution of the state fund in this state—It is apportioned among the different coun-

ties of the state according to the number of children in the county between 5 and 16, whereas, in my judgment it should be apportioned among the counties in proportion to the *attendance*. For instance, suppose in the year 1845, there are in the county of Tompkins and in Cayuga each 15,000 children; in the county of Tompkins 14,500 attend school, during the year, yet, in the county of Cayuga but 8,400 attend—still Cayuga receives just as much money as Tompkins. This is obviously wrong. It takes away the great stimulus which would otherwise act with great influence on the people of said county. Many other matters, in relation to the establishment, supervision, and support of Common Schools, might be treated of. If, on the receipt of this letter, and the documents named below, shipped on board the packet Arkansas, for New-Orleans, to sail on Monday next, consigned to Aaron Coben, agent at New-Orleans, you shall be inclined to correspond further with me on this subject, please to inform me by mail. I will endeavor to answer promptly. I have delayed writing and sending you these documents in expectation of receiving two other very valuable ones, viz: Hon. Henry Barrow's reports, and the New School bill recently passed by the Rhode Island Legislature. I hope, however, to be able to send them in a few days by mail.

I have taken the liberty to send you two sets of my *new* series of Schol Books, as far as published, which please to accept and dispose of as you may think proper.

My kind regards to my friend Dr. Ru h. I shall be pleased to receive a letter from him.

With sentiments of very great respect,

Yours very truly,

LYMAN COBB.

Common School Journal, vols. 1 2 3 & 4.

Abstracts of Massachusetts School Returns 1843–4.

Rev. Mr. Richardson's address on Common School Education.

Annual Report of Commissioners of Common Schools in Connecticut, 1842.

Mr. Horace Mann's Lecture on Education.

Education and Labor.

School-Houses.

School Architecture.

Mr. Horace Mann's Seventh Annual Report.

Stone's Common Schools and Teachers Seminaries.
History and condition of Schools in Rhode Island.
Barnard's Reports of the Common Schools of Connecticut.
Several copies of District School Journals.
State Superintendent's Report, 1837.
Mr. Page's Lecture.
Laws of the Common Schools of the State of New-York.
Report of the city (New-York) Superintendent.
Henry's Address.
Report on the State Normal School.
State Superintendent's Report, 1844.
Do do do with country Superintendents Report.
Do do 1845.
Do do 1838.
Emerai's Lecture.
Report of the Controllers of Public Schools city of Philadelphia, 1843, 1834, 1836, 1339, 1338, 1837, 1833.
Report of the State Superintendent with reports of county Superintendents, 1343.
Do do. 1839.
Report of the Superintendent of the Public Schools in the city of Wochester.

COUNCIL CHAMBER,
Boston, 13th March 1845.

SIR: Your favor of the 19th February, making enquiries in relation to our Common School System, was received on the 7th instant. I referred your letter to the Hon. Horrace Mann, the Secretary of our Board of Education, whose whole time is devoted to the subject of popular education, with the request that he would reply to it. I herewith send his answer to you. Our system is substantially the same that has existed in Massachusetts for two hundred years, with such improvements from time to time in the details as experience has suggested. The experiment of Normal Schools for the instruction and preparation of Teachers promises to add much efficiency to our School System.

I send you with this the extracts of our School returns for two years, and the report of the Secretary of the Board for the last

year. It would give me great pleasure at any time to furnish you any information or documents in my power in relation to this deeply interesting subject, that could be of service to you in laying the subject before your legislature. I wish you much success in your movement in the great cause of Popular Education. It is worthy the attention of your rising state.

This opportunity of renewing the short acquaintance begun when we were members of the House of Representatives of the U[illegible]d States, gives me great pleasure.

With great respect, I am yours,

GEO. W. BRIGGS.

His Excellency, A. G. Brown, Gov. of Missp.

Boston, March 10th, 1845.

To His Excellency, Gov. Briggs:

Dear Sir—I did not receive your note till Saturday evening, and am obliged to leave town this morning, for two or three days. Having many things to do preparatory to my departure, I have time for only a very brief answer to your enquiries.

As you well know, our whole territory is divided into townships, and the great majority of the towns into school districts. Some towns maintain their schools in their corporate capacity. Every town is obliged to raise money for the support of schools; every district is obliged to provide a suitable house in which the school may be kept; each town chooses a committee, who are to approve teachers, and each district a committee, who is to keep the school house in repair, provide furniture, fuel, &c. Every district, however small, must employ a teacher, competent to instruct in orthography, reading, writing, English grammar, geography, arithmetic, and good behavior. The State contained a population, at the last census, of 737,700, and the towns raised last year, by voluntary assessment, for the three items of teachers' wages, and board and fuel for the schools, the sum of $548,470.06. The towns and districts taxed themselves for school houses, raised by voluntary contribution to prolong the schools, about $150,000 more.

At the commencement of the school year, blank forms of registers are sent to each school district in the State. These the teachers are required to fill up from day to day, with the number of scholars in attendance, their studies, &c. At the &c. close of the

year, another blank form is sent to each school committee in the State, proposing all requisite inquiries respecting the schools; the school committee collect the registers from the teachers, (now filled up,) and from these and other data, they digest, collect and enter, the whole statistics of the schools, upon the blank last mentioned. This blank, so filled, is returned to the Secretary of State. In addition to filling the blank just mentioned, each school committee is required to make an annual report of the condition of the schools, respectively, in the towns. This report must either be read in open town meeting, or printed, and distributed among the inhabitants. The original is lodged in the archives of the town, a copy is sent to the seat of government. From these statistics and reports, made by the committees of the respective towns, the Board of Education cause a volume to be prepared, entitled, "Abstract of the Massachusetts School Returns." This abstract presents a complete view of the statistics of the schools, and also a compilation consisting of the most valuable portions of the committees reports—such portions as may prove of general interest. The whole has, ordinarily, made a volume of 300 pages, or more, closely printed. A copy of this is given to each member of the Legislature, and two or three, or more copies, are sent to each school committee. Thus, all the statistics of the schools, and the most valuable part of the committees reports, are sent back to every town: and each town has not only a permanent record of the state and condition of its own schools, but all the suggestions for improvements, and the results of the experience of three hundred other towns. It is light brought to a focus, and thrown upon a glass that multiplies three hundred times.

In addition to the above, the board, from its general knowledge and supervision of the school, comes master of a great number of facts; it keeps an open eye in regard to all improvements, whether at home or in other states or counties, and makes an annual report respecting whatever may conduce to the welfare of the schools, to the legislature; provision is permanently made for printing 5,000 copies of these reports, one of which is given to every member of the executive and legislative branches, and a copy sent to every school committee and to every school district.

We have three Normal schools for the qualification of teachers, one of which, has been in operation more than five years. No person who has witnessed the effect of these schools, can, for a

moment, doubt their expediency, and even necessity, as a part of our school system. Were the Normal schools to be abolished, the momentum of improvement with which our system is now advancing, would be lost, and in many towns, the schools would retrograde. The Normal schools have had two classes of opponents—those who judge the expense, and the old stand-still teachers, who feel themselves to be like an old water-logged ship, by which a trim new vessel is sailing. But the clamor of opposition is fast losing itself in the general voice of commendation.

In all our large towns, high schools are kept at the public expense, in which, any boy, however poor, may qualify himself for some department of educated labor, or may fit himself for College.

I am aware, dear sir, that this is a very meagre and imperfect account of our school system. To understand it, and especially to understand what has been doing, and is now doing for it, one should read our laws and the reports of the Board of Education. I am sorry I cannot furnish you with these. The laws are scattered up and down over the general body of the statutes, and many of the reports are out of print. All, however, may be had, as published in the Commonwealth School Journal, which is a depository of our principal documents and statistics on the subject.

I send you herewith, two volumes of abstracts, and a copy of an excellent work, entitled, "The School and the Schoolmaster."

I remain, with great regard,

Very truly yours, &c.

HORACE MANN.

TOPOGRAPHICAL ENGINEER'S REPORT.

Copy of a letter from J. H. Tracy, Topographical Engineer, together with a report accompanying said letter:

JACKSON, Mi., April 17th, 1844.

His Excellency, ALBERT G. BROWN,

Governor of Msssissippi.

SIR—I have the honor herewith to transmit to your Excellency, for communication to the honorable Legislature at their next ses-

sion, my report of a survey of the left bank of the Mississippi river, in the county of Adams, from Ellis' Cliffs to the mouth of Buffalo bayou, made in obedience to the 9th section of an act, approved February 26th, 1842, entitled an act accepting certain provisions of an act of Congress, entitled an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights, approved September 4, 1841.

With great respect, I have the honor to be,

Your Excellency's most ob't servant,

J. H. TRACY,

Topographical Enginneer.

To the Honorable,

The Legislature of the State of Mississippi:

The undersigned, Topographical Engineer, begs leave to report to your honorable body, that since the date of his last report, rendered 1st January, 1844, he has completed the then remaining portion of the survey which the law required him to make, to-wit: that portion of the left bank of the Mississippi river, lying between Ellis' Cliffs and the mouth of Buffalo bayou. He has also made the necessary calculations to determine the solid extent of a levee to elevate said bank above high water mark, and an estimate of the cost of the same.

The distance from Ellis' Cliffs to the mouth of the Homochitto, is found to be 25.03 miles, from the mouth of Homochitto to the mouth of Buffalo bayou 6.93 miles. Total distance from the mouth of Ellis' Cliffs to the mouth of Buffalo, 31.96 miles. Of this distance, 9.09 miles is already leveed. The difference, 22.87 miles, is the length of the required levee.

The fall of the surface of the river, from the upper to the lower extremity of the required levee, is 3.32 feet. Fall from the mouth of the Homochitto to the mouth of the Buffalo, 1.01 feet, showing a fall, nearly uniform, of $1\frac{3}{4}$ inches per mile.

These results demonstrate that all lands overflowed not exceeding one foot, by the united high waters of the Homochitto and Missisippi, may be reclaimed immediately, by a continuation of the levee from Ellis' Cliffs along the bank of the Mississippi across the present mouth of the Homochitto to the mouth of Buffalo, and diverting the Homochitto into the Buffalo by cutting a canal, uniting these two streams near the *debouche* of the Homochitto

into "Old River," where they approach each other within a few hundred yards.

The deposite from the water of the Mississippi, at every high flood, from across the mouth of the Homochitto, forms a bar, which is swept away when the high waters of the former stream subside, so as to produce a current down the channel of the latter. This bar would remain permanent, were the water of the Homochitto conducted into the Mississippi through the channel of Buffalo.

The following estimate is made for a levee two feet higher than the flood of 1843, and 47-100 of a foot higher than that of 1828. The base is calculated three times the altitude, the sides forming at the top a solid angle of 96 ° 22'.

Estimate of the cost of erecting a levee on the left bank of the Mississippi river, from a point on said bank, 9.09 miles below the foot of Ellis' Cliffs, to the mouth of Buffalo bayou, a distance of 22.87 miles:

32,446 17 cubic yards of embankment, at 6 cents per cubid yard,	$1,946 77
Clearing and grubbing, average $30 00 per mile,	686 10
Culverts,	300 00
Superintendence,	500 00
Contingencies,	167 13
Total,	$3,600 00

All of which is respectfully submitted,

J. H. TRACY,
Topographical Engineer.

Jackson, Mi., April 17, 1844.

CORRESPONDENCE ON THE SUBJECT OF INTERNAL IMPROVEMENT.

—

EXECUTIVE CHAMBER, City of Jackson,
29th September, 1845.

His Excellency, GEO. CRAWFORD,
Milledgeville, Georgia:

DEAR SIR—The subject of internal improvement will be presented to the consideration of the Legislature of Mississippi at its next session, with a view to a proper understanding then of the subject.

I respectfully request answers to the following questions:

Did the State of Georgia ever undertake to carry on her works of internal improvement with negro laborers, purchased for that purpose?

If so, was it found on trial to be a better plan than to hire the labor, or to let the work to contractors?

If the plan failed, please state to me the prominent reasons why it failed.

You will oblige me by furnishing me with all the information in your possession on the subject, derived from the past experience of your State.

Very respectfully, your ob't serv't,

A. G. BROWN.

—

Copy of a letter from George W. Crawford, Governor of the State of Georgia, in relation to the rail roads in said State, &c.

EXECUTIVE DEPARTMENT,
Milledgeville, Oct. 16th, 1845.

SIR—In answer to the enquiries of yours of the 29th ult., I have to state, that Georgia never employed slave labor on the State road, as the plan she adopted was to divide the site of her road into sections, and let them to the lowest bidders. From information and a limited observation, I am of opinion that the work was performed mainly by free labor.

As desired, I beg leave to refer you to the President of the Central Rail Road, R. R. Cuyler, Esq., of Savannah, and the President of the Georgia Rail Road, John P. King, Esq., of Augusta

as persons capable, and doubtless willing, to communicate all information on the subject of your enquiries. I am under the impression that the Georgia Rail Road Company have invested about forty thousand dollars in slaves, who are employed in their service, but with what profit, I am unable to speak.

In the commencement and progress of a rail way, I may say that the experience of this State, proves that a selection of a civil engineer should be made in reference to his practical as well as theoretical skill—the former being indispensably necessary. The location should be finally made after a free examination of the impediments that might be interposed as to the right of way, and only cash contracts be entered into, and they made in reference to the disposable labor of the country, and its means of convenient support. Too much haste, so peculiar to the southern climate, will eventually prove baneful to all parties concerned. I have, as requested, ventured these observations with that diffidence which usually accompanies limited information upon the subject discussed. Your Excellency will therefore accept them with this limitation. You will permit me to add, that with the improved knowledge on the subject of rail roads at this day, this species of internal improvement may be constructed at an expense one fourth less than it would have cost five years ago; and it should not be overlooked, that whilst the outlay has been decreased, thereby inviting new schemes, the first, and expensive works, have risen in public confidence by an increase of profits, and consequently an enhancement of their stocks. The improved modes of applying steam, which has been progressive, has, in some degree, wrought this safety to the old works of internal improvement.

I shall be happy to learn that Mississippi has commenced the work by which her citizens will find access easy to an Atlantic port, whilst the intermediate States will feel it to be a duty to give them safe passport and ample protection.

I have the honor to be,

Very respectfully, your ob't serv't,

GEO. W. CRAWFORD.

His Excellency, A. G. Brown, Jackson, Mi.

CENTRAL RAIL ROAD CO.,
Savannah, Nov. 11, 1845.

SIR—Your letter of the 27th ult., came to my hands to-day, on my return from the seat of government, after a weeks absence.

The operations of this company, except so far as they relate to *repairs of roads*, have been, from the beginning, carried on by white labor. We do not own any slaves, and hire only a few, not exceeding ten, stationed at our main depots. The repairs of road are conducted by contract. The road (190 miles in length) is divided into four sections. Each section is placed under a contractor, who binds himself to give his personal services constantly on his section, and to place on it as many gangs of laborers as the chief engineer shall indicate. By the contract, a gang consists of four able bodied negro men, a white overseer, and a negro woman cook; and so much money is paid, monthly, to each contractor, per gang; the hire, food, clothing, &c., furnished by the contractor. If any time of any hand is lost, the contractor is bound to pay back in equal labor for such lost time. We find this plan to work well in practice, after three years experience.

In the beginning of our road construction, the company, under the advice of its engineer, undertook to hire laborers, and to work them under overseers; in other words, to build on company's account, and not by contract. We commenced with about one thousand Irish laborers, and in the course of two or three months, it was manifest that the plan adopted would soon bring the company to ruin. The waste of fuel, the turbulence and general confusion were fearful. The company promptly broke up the system, discharged the engineer, and put the construction of its road out upon contract awarded upon competition. I would never undertake to build a road on any other than the contract plan. This is the conviction of every person connected with this company. In the first plan, we saw nothing but ruin; in the second, we found complete success. Our contractors were good men, were sustained by liberal aid of the company in all times of need—carefully nursed, and not held by too tight a rein, and never gave no trouble. But one failed to do his work, and in his case, the usually retained per centage of 20 per cent, saved us from loss. Many of the contractors worked negroes alone. Others worked Irish laborers. A few large contractors owned their laborers—these were generally successful. Whilst, in my opinion, a company should not purchase

negroes to build its road, I think a contractor, experienced in road construction, and also experienced in the management of negroes, would make more in the southern country by doing his work with negroes, owned or hired, than with whites. A company can never save, or make, what a good contractor can.

By the contract plan, with a good engineer, the cost of constructing a road is reduced to a certainty; by any other plan, it is impossible to say what will be the expenditure.

I beg to send you the two last reports of this company, mailed at the same time with this, and to say, that it will give me pleasure at any time to afford such information as may be in my power.

I have the honor to be, your ob't serv't,

R. R. CUYLER.

His Excellency, A. G. Brown, Gov., &c.

EXECUTIVE CHAMBER,
City of Jackson, Mi., 24th Oct., 1845.

HON. JOHN P. KING,

President Georgia Rail Road, Augusta, Ga.:

SIR—Having been referred to you as a person who could probably give me the desired information, you will pardon me, I trust, for so far trespassing on your attention, as to request answers to the following interrogatories:

1st. Has the company, of which you are president, ever undertaken to prosecute its work by negro laborers, purchased by the company for that purpose? If so, has it proven a less expensive mode of conducting such works, than to *hire* labor, either white or black?

2d. What has been the result of your experience as to the practicability of grading railways entirely, or almost entirely, by negro labor?

Would you advise it as a better plan, all things considered, than to let the work to contractors?

Any information which you may be able to give on this, or any other points calculated to facilitate the great work of making a rail road from the Mississippi river to the Atlantic, (for it is in reference to this work that these enquiries are made,) will be gratefully acknowledged by your obedient servant,

A. G. BROWN.

One bearing same date and purport, was sent to R. R. Cuyler, Esq., Savannah, Ga.

AUGUSTA, Nov. 16, 1845.

His Excellency, A. G. Brown:

SIR—It is with much pleasure I acknowledge the receipt of yours of the 27th ult., and will answer the enquiries contained in it.

1st. The company over which I preside, has never *graded* any part of its work with its own hands. It, however, owns many of the hands for shop work and repairs, and finds much advantage in their greater expertness and efficiency, from long experience, and from the ability at all times to control their services.

2d. Many of the largest contractors, on the Georgia Rail Road, *purchased* hands, (instead of hiring them,) for the execution of their contracts, and uniformly profited by doing so. They could, with *certainty*, calculate on their services, and were the better able to execute their contracts with punctually; and they were enabled, when done, to sell at cost, or a profit. It will be observed, however, that there is a risk of loss whilst there is a chance of gain, by depreciation or advance in price; and the economy of purchasing hands for grading, instead of letting to contractors, will depend on many circumstances connected with the work to be done. If the road be located through a populous and wealthy country, where the planters are anxious to divert a portion of their labor, and consume their own surplus provisions—they *can afford*, and often by a spirited *will*, do work lower, than it could be done in any other way. *And if means be plenty, and despatch be desirable, a letting* to contractors, with full notice and fair competion, may generally be safely recommended.

On the other hand, if the means be limited, there is no other mode in which so much work could be done for a given amount of money, as by the purchase of hands and the employment of competent and *experienced* persons, which may be easily procured. Black labor is fully competent, under white superintendence, to finish the road bed complete, and negroes are fully competent to the heavy labor of the superstructure.

Should negroes be purchased to grade and build a road, a competent number of them might be retained to advantage, and repair the road after completion. They become accustomed to *rail road* labor, and are more efficient, than hands casually collected on hire for a short period. I know not that these suggestions will serve for any valuable purposes, but such as they are, they are with much pleasure, at your service.

I am rejoiced to find the people of Mississippi moving in this magnificent project. Whether it be regarded in reference to public utility or private interests, there are few locations to compare with this. To the public, it will be one of the most important, and to the stockholders, among the most profitable rail roads in the Union. It is to be hoped, that an enlightened public sentiment, united with a clear perception of private interests, will secure the extension of your road to Montgomery at no distant day. East of this point, the prospects are now fair for a speedy completion of the last remaining links in the great Metropolitan route.

Very respectfully, your ob't serv't,

JNO. P. KING.

REPORT OF THE STATE COMMISSIONER.

To His Excellency Albert G. Brown,
Governor of the State of Mississippi:

I have the honor to submit to your Excellency, with a view to its transmission to the Legislature, the following report of the condition of the funds placed by the act of the Legislature of 1844, entitled "an act to appoint a State Commissioner, and for other purposes," under the charge of the State Commissioner.

SINKING FUND.

This fund which was created under the provision of the act to establish a Planters' Bank in the State of Mississippi, approved the 10th February, 1830, and was the surplus of the dividends declared upon the capital stock of the Planters' Bank, the property of the State after deducting the interest paid upon the State bonds executed for the payment of the stock above subscribed for by her, was, by the same act, placed under the management of the Auditor of Public accounts and the President and Cashier of the Planters' Bank, under the name and style of "Commissioners of the Sinking Fund."

By the act of the Legislature of 1844, entitled "an act to appoint a State Commissioner and for other purposes," the management and control of the fund was taken from the "Commissioners of the Sinking Fund" and placed under the charge of a single agent of the

State, styled a "State Commissioner," which said agent was invested with the management and collection of said fund, authorising, empowering and requiring him to call upon all and every agent or agents, commissioner or commissioners, attorney or attornies, or other person or persons now or heretofore having had the management or control of said fund, (as also with the other funds placed under his charge,) for a settlement, and the proceeds and vouchers of said funds in their hands.

That, invested with the authority created, and the duties imposed upon him, by the act above cited, the State Commissioner, very shortly after his appointment to office, proceeded to Natchez and demanded of the late Commissioners there, the delivery of the fund as contemplated by the above act, which they—viz: John P. Walworth President, and Henry D. Mandeville Cashier, of the Planters' Bank—they being a majority—refused to delive- up—(the Auditor of Public Accounts being at all times ready and anxious to deliver up the same)—they assigning as their reason for the refusal, that they had no authority of law as Commissioners to surrender the fund and assets, and therefore declined making the surrender demanded. The only alternative left was then adopted, viz: that of compelling them by course of law to deliver up the fund.

This refusal of the late Commissioners to deliver up the fund, of course left me only the power to do all that I could towards its collection, by the arrest and demand of the assets of the fund wheresoever I could find them, and to adopt such other measures towards the protection and collection of the same, as I could, impeded and obstructed as I was at every step, by their refusal to deliver up the same.

It was not (owing to the slow and tedious process of a chancery suit,) until July last, (1845,) that a decree was obtained, and the fund delivered up to me.

I have in my possession a descriptive list of the promissory notes unpaid, belonging to the fund, prepared by a commissioner in chancery, (who took an account between the parties,) from the exhibit to the answer of the late Commissioners, and from the books of the Planters' Bank, and filed in the papers and made a part of the record in the suit above mentioned, instituted by me as State Commissioner against the late Commissioners.

The books of the State Commissioner will exhibit such amounts

as have been received by me on these claims, and from whom received.

Judgments have been rendered on all these notes, with the exception of the few delivered to me by the late Commissioners, and a few on which suit is now pending.

Death, removals from the State, and the revolution in the pecuniary affairs of many, together with conveyances under many of the judgments, are weak, if they are not desperate.

I would very respectfully suggest to the Legislature for its consideration, the propriety of giving to the State Commissioner the power by and with the advice and concurrence—say of the Governor and Attorney General—of making compromises in cases where he and they should deem it the interest and policy of the state so to do. Unless some such policy be adopted, I hardly think the state will realize anything from many of these judgments.

The high rate of interest (10 per cent.) which the notes bear, together with the great length of time which has elapsed since they were executed, causes a debt which was at first comparatively small, to assume now a fearful magnitude; and the debtor, who would probably willingly liquidate the original loan, will resist and avoid in every way, the payment of a debt which has probably doubled itself.

Were this power coupled with an amendment to the provision of the act appointing a State Commissioner, authorizing him to employ counsel, giving him greater latitude, I think that by one or the other of these means, many a debt might be saved, or partially saved, which would otherwise be lost.

In suggesting the above, I of course, in the case of compromises, speak of such cases only where nothing could be made by law, yet the parties be willing to pay a portion of the debt, to be released from the judgment; and in the case of amendment to the provision authorising the employment of counsel, to give adequate compensation, so that conveyances might be set aside; and also, claims prosecuted against parties who may have left the state, and a portion of the debt realized, where else all would be lost.

Had the state priority over all other creditors, then probably her debts might be secured without recourse to either of the expedients above suggested, but as she stands on an equality with other creditors, I should deem it bad policy not to adopt measures which are adopted by others, and where she cannot get the whole, obtain

at least a part. Of course, the above powers would be exercised only in cases where absolutely necessary.

I would remark in conclusion on this head, that with regard to the power of making compromises, were I to consult my own feelings, I should prefer that no such power should be vested in the State Commissioner; but I think that it would be for the interest of the state, that some such policy should be adopted.

The total amount paid into the treasury on account of the sinking fund, is eighty-four thousand four hundred and ninety-three dollars and fifty-four and one-third cents,—made up as follows, viz:

Paid in, in the year 1841, as exhibited by the books of the Auditor,	$2,385 24
Paid in, in the year 1842, as exhibited by the books of the Auditor,	750 00
Paid in, by James R. Young, State Commissioner,	$81,358 30⅓
Total amount paid in,	$84,493 54⅓

Of the above amounts of $81,358 30⅓ paid by me into the treasury, $45,323 22⅓ was on account of the amounts received by me from the late Commissioners. I say on account, as the total amount received by me from them was $45,523 22⅓, being two hundred dollars more than the amount paid into the treasury. This deficiency arises from the fact of a warrant for that amount ($200) having been refused to be received from me by the Treasurer;—a warrant similar to it in all respects, having been previously paid in. The Auditor endorsed, and still pronounces the rejected warrant the genuine one, and the one paid in the fraud. This warrant now remains in my hands, subject to the action of the legislature.

The amount paid into the treasury on account of this fund, up to this date, I confidently anticipated would have amounted to ninety odd thousand dollars; and it would have done so, had not process issued to the late fall term of the courts been bonded; but the money will, I am confident, be made, and the only difference will be the delay.

Besides the amount above stated, paid into the treasury on account of the sinking fund, there is also belonging to the fund about twenty-two thousand acres of land purchased in, in behalf of the fund, where nothing else could be obtained. About twenty-five hundred acres of this amount was purchased in by the late Commis-

sioners, and the residue by myself. These lands are, some of them, very valuable.

I would state in conclusion, that Robert Hughes, Esq., in whose hands the late Commissioners placed several of the notes due the fund, for collection, acknowledges to have received the money on one of them, but refuses to pay over the same until fees due him, as he states, by the Planters' Bank, are first paid.

There is also in the hands of H. D. Mandeville, jr., the attorney employed by the late Commissioners, several thousand dollars. I was unable to see Mr. Mandeville when in Natchez, he being absent from that city. I then addressed a communication to him in writing. I have received a letter from him within the last few days, in which he states that I shall hear from him shortly.

TOWN LOT FUND—SALES OF 1833 AND 1834.

This fund I found in a state of almost irretrievable confusion. The auditor's books scarcely throw any light upon the subject. The auditors, Mallory and Saunders, would receive money from attorneys, in whose hands the notes taken at the above sales had been placed by the former for collection, and others, and without, in the vast majority of cases, indicating on account of what notes or lots paid or even from whom received, and frequently after receiving it from different sources would pay it into the treasury wording the receipt warrant simply Jno. H. Mallory, or A B. Saunders, (as the case might be) on account of town lots, and leaving it a perfect mystery, not only on account of what notes or lots the money was paid, but even from whom received.

The only alternative then left was to examine the records and call upon the various attorneys to whom the notes had been given for collection for their vouchers for payments, &c. With these preliminary remarks, I will proceed to state—

The total amount of sales of lots in the city of Jackson for the years 1833 and 1834, as shown by the book of sales, amounted to the sum of $93,531 50 and for which notes were executed.

Of this amount we have the following receipts of attorneys and others for notes placed in their hands for collection by Jno. H. Mallory, auditor: viz—

Mayson & Shelton,	:	$47,919 00	
Planters Bank,	:	10,428 67	
Dunlap & Hughes,	:	7,771 00	
Patton & Collins,	:	6,179 50	
Thos. F. Collins,	:	3,234 50	
do	:	2,957 33⅓	
do	:	1,533 32	
Jno. N. Drake,	:	4,184 66⅔	
Thos. J. Coffee,	:	3,064 66⅔	
H. G. Runnels,	:	200 00	
D. Greenleaf,	:	185 00	—$87,657 65⅔
			$87,657 65⅔

amounting to the sum of eighty-seven thousand six hundred and fifty-seven dollars and sixty-five and two-third cents, and leaving a deficiency between the amounts of the sales and the receipts of five thousand eight hundred and seventy-three dollars and eighty-four and one-third cents, for which no receipts can be found.

Of the above notes placed as above in the hands of Mayson and Shelton for collection, there is amount received and not accounted for, after deducting commissions and other charges near three thousand seven hundred dollars. Also notes unaccounted for to the amount of six hnndred dollars.

At the request of Mr. Shelton that I should do so, I append to this report the letter from him marked A.

Of the notes receipted for by the Planters Bank, $10,162 33 were given to the Bank as collateral security for a note for $10,000 00 drawn by H. G. Runnels, Governor, and discounted by the bank for the use of the state—with the proviso, that the bank was to proceed to the collection of the same when they fell due. Under this arrangement notes of the above to the amount of $7,614 33 were placed by the bank in the hands of Eli Huston, Esq., for collection. The note discounted by the bank for the use of the state was paid at its maturity, leaving the proceeds of the notes placed as above as collateral security for its payment, the property of the state. On examining the docket I found that the money collected on the notes placed as above in the hands of Eli Huston had been received by Robt. Hughes, Esq. I could discover no evidence of its having been paid into the treasury. Judge Hughes states that these notes were sued upon by Eli Hus-

ton—that Huston died soon thereafter, and at the request of his brother, Felix Huston, he attended to the suits—and the money collected in whole or in part, and by him sent to Huston and Ross, who were then the attorneys. The amount received by Judge Hughes, on account of the above notes, after deducting commissions, is near seven thousand dollars. I felt compelled to institute proceedings against Judge Hughes at the last term of the Hinds Circuit Court, and which are yet undetermined.

Of the notes received by Dunlap and Hughes, the amounts as exhibited by the dockets as received by them, minus commissions, has been paid. There are several suits instituted on these notes discontinued or dismissed as exhibited by the records of the court. Judge Hughes in his report to me stated some of these cases as dismissed or discontinued, because the parties could not be found, and others as dismissed by order of the auditor of public accounts. There is one note for $100 for which they are responsible, it having been withdrawn by Judge Hughes in 1843 as per his endorsement on the declaration after the suit had been dismissed in 1835, because process could not be executed.

Of the notes recorded by Patton and Collins, and Thos. F. Collins, there is amount received, as exhibited by the dockets, and not accounted for over seven hundred dollars; also between five and six hundred dollars not paid over by the sheriff.

The clerk's docket of the Circuit Court of Hinds county, also, in addition to the above, shows a judgement for $346 62 rendered on two of the notes received by Mr. Collins as above, as "satisfied." The papers in the case and docket show execution on bond in the case stayed by Mr. Collins and no further proceedings taken. Mr. Collins says that the money was not received by him.

It will be perceived by the subjoined letter from Mr. Collins, that he has paid to me the amount of the above mentioned deficiency, ($730 23) with the request that I will not pay it into the treasury until the adjournment of the present legislature, in the hope that some action may be taken by it on the subject. The following is his letter:

—

JACKSON, January 3, 1846.

J. R. Young, Esq., State Commissioner:

DEAR SIR: By your contemplated report to the legislature on the subject of the town lot notes, there appears a balance of

$730 23 against me on account of the notes placed in my hands for collection by auditor Mallory, and also those given by him to myself and Patton. I therefore deposite in your hands the sum of $730 23 which I wish you to hold subject to the action of the approaching legislature thereon.

I feel confident that I paid over to the proper authorities every dollar of money that was collected on account of said notes as the same was collected, but from the deranged state of my papers, receipts, &c. occasioned by my late removals, and the great lapse of time since the transactions commenced, I am unable to find all the evidences of payment on that subject which I confidently believe I once had.

With regard to the judgment of $346 62 which is marked "satisfied" on the docket, there certainly must be a mistake. I paid to the sheriff $34 81 cost in that case, as appears by a receipt which I gave to you. The entry of satisfaction on the docket is certainly error—it should have been marked satisfied for cost only. I am certain the money was never paid to me.

Respectfully, your ob't serv't,

THO. F. COLLINS.

Of the notes received by Jno. N. Drake, the money collected on them was received by Jno. H. Mallory, auditor, with the exception of over one thonsand dollars, which was not paid over by the sheriff, and near six hundred dollars received by V. E. Howard, Esq. Mr. Howard appears to have prosecuted these suits for or in conjunction with Mr. Drake. On my application to him he stated that he had retained this money for professional services rendered the state, and requested that I should await the meeting of the legislature for him to submit his claim for their action.

On account of the notes placed in the hands of Thos. J. Coffee, there was paid to auditor Mallory, as exhibited by the books of the auditor, $2,929 50. Judge Nicholson, who brought these suits in conjunction with Mr. Coffee, stated to me previous to his death, that all monies collected on these notes had been paid over to auditor Mallory—that a statement which he had prepared, exhibiting an abstract of each case, showing the parties, amount of judgment and interest, and then a receipt appended to the aggregate from auditor Mallory had been destroyed by fire when his dwelling house was burned in 1839. This receipt was, I presume, for the

above amount exhibited as paid. Two of the notes I can discover no evidence of having been sued on, and the money made on one other of them does not appear, by the sheriff's docket, to have been paid over.

On the receipt of Mr. Coffee for these notes is the following endorsement by Jno. H. Mallory: "The money on the within has been paid." The above reasons justify me, I think, in regarding all monies collected on these notes as having been received by Mallory.

The note for two hundred dollars, receipted for by Gov. Runnels, appears to have been paid in payment for lumber in building the state house. And on the receipt for the note received by D. Greenleaf, is the the certificate of Jno. H. Mallory, auditor, that the money had been paid thereon.

Of the notes to the amount of $5,873 84⅓, for which I can find no receipts, I can trace but two of them, viz: one sued upon by Dunlap and Hughes, and suit dismissed, as reported to me by Judge Hughes, by order of the auditor of public accounts; (Mallory); and one sued upon by Nicholson and Coffee, and plaintiffs money (over $300) received by Nicholson.

The first case speaks for itself—the other case not having been discovered by me until subsequent to the decease of Judge Nicholson, I could obtain no information from him on the subject. The judgment was satisfied previous to the payment, as above stated, on account of the notes received by Thos. J. Coffee, and may have been included in that amount. From the statement of Judge Nicholson to me, above referred to, that "every cent that was collected was paid over," I have no doubt of its having been paid. I regard the total ($5873 84⅓,) as having been received by Mallory.

For the notes returned "*nulla bona*" and others, there will be realized to the State, I think, about ten thousand dollars. I made out statements of the cases, and handed them to the Attorney General in October 1844, to file bills in Chancery for the sale of the lots.

TOWN LOT FUND—SALES OF 1838.

The sales of lots in the city of Jackson for the year 1838, as exhibited by the book of sales, amount to the sum of $178,801 00, and for which notes were executed.

Of this ampunt, there was placed in the Mississippi Union bank for discount, by A. G. McNutt, Governor, in pursuance of law, $25,106 52.

There were of notes not given out by the Auditor, $1636 66⅔, and the residue of the notes, amounting to the sum of $152,057 81⅓, were placed by A. B. Saunders, Auditor, in the hands of George Work, for collection.

There has been paid on account of this fund as follows:

By A. G. McNutt, Governor, on account of the notes received by him as above, and discounted in the Union bank, the sum of	$23,473 18
On account of the notes not given out by the Auditor, there has been paid	1702 92
On account of the notes received by George Work, there has been received, as exhibited by the books of the Auditor, and State Commissioner,	35,721 29
Also settled through the Auditor's office by claims against the State, as exhibited by the Auditor's books,	2429 61

George Work, Esq., acknowledges to hold in his hands over six thousand dollars, and a few of the notes received by him as above, and which money, or rather the amount thereof which I claim as the property of the State, and notes he refuses to deliver up until, as he says, his just claims are paid. I could effect no settlement with Major Work, and was compelled to institute proceedings against him at the last term of the Hinds Circuit court, and which are yet undetermined.

When the State shall have obtained the amount claimed as due her, now in the hands of Major Work, and which can be realized for the notes, when obtained, now in his hands, several only of which I regard as good, and for the few cases yet pending in the Chancery court, which will be small, she will have realized all she ever will for the above notes.

The contracts for some of the above notes were rescinded by the Auditor of Public Accounts, as authorized by the act of 1841; and in the majority of the others, the lots were sold under decrees from the Superior Court of Chancery, and at greatly reduced prics.

The amount paid into the treasury on account of town lots by other persons, as exhibited by the	

books of the Auditor, is, : : $90,524 53½

Paid in by James R. Young, State commissioner,

on account of the sales of 1838, : : 20,860 60

" " " " 1833, : 399 26

$21,259 86

Amounting in the aggregate to the sum of $111,784 39½

To which amount, if we add the amount realized from the sale made by the Treasurer and Auditor, in July 1844, in accordance with the act of the Legislature, entitled "an act to assist in liquidating Auditor's warrants, by sale of the lots in the city of Jackson, : : : : : 10,533 00

We have total amount paid into the treasury on account of town lots, : : : $122,317 39½

In conclusion, I would state, that I received from the Agricultural bank at Natchez, on account of final dividend on the stock of the State, in the "bank of the State of Mississippi," three hundred dollars. Also for the same on account of final dividend on stock, "baak of the State of Mississippi," use of the literary fund, two hundred and ninety-one dollars.

I have also received on account of the literary fund fifty-five dollars.

I shall be glad to exhibit to your Excellency, or to a committee of the Legislature, appointed for the purpose of inspecting them, all the books, notes, accounts, vouchers and other papers in my office, and to give such further information as may be in my power, touching the condition of any part or all the business in my hands. I have not undertaken to give the present situation of each note or claim belonging to either of the above funds, for the reason that such a statement would extend this report to an unreasonable length.

All of which is respectfully submitted by your

Very obedient servant,

JAMES R. N. YOUNG,

State Commissioner.

January 1, 1846.

There is now, as I have lately understood, about $4000 00 in the hands of the Sheriffs, collected on account of the sinking fund.

This money when paid into the treasury, which will be shortly, (as soon as it can be collected by me,) will swell the amount on account of this fund, to near $90,000 00.

[A]

JACKSON, Dec. 19, 1845.

J. R. N. Young, Esq.:

DEAR SIR: Below I hand you statements of the accounts between myself and the State of Mississippi. The first, A shows the cash balances between the State and myself, showing that I have collected in the name of the State more than I have paid into the treasury, $3876 00.

This statement is made from vouchers now in my possession.

The second, B, is the amount for which the State is my debtor, for personal services rendered in and about these collections. The money was collected for the State under its statutes, in paper worth but little, and which I was not willing to receive in payment of my fees. The balance, 3876 00, I still have on hand in the depreciated paper. I have always been ready and willing to pay it over on payment by the State, of the fees due me. I claim a lien on it until those fees are paid me.

Respectfully,

D. SHELTON.

[A.]

D. Shelton to the State of Mississippi	*Dr.*	
To amount of notes received by me (except two notes otherwise settled for $4430 00,)		$43,488 17
Interest on notes collected and paid,		5,510 63
		$48,998 80
	Cr.	
By amount received by Mallory,	$5,068 93	
" " " Saunders,	17,770 18	
" " " Treasurer,	14,389 37	
Notes not collected,	7,484 99	
Amount paid sheriff for costs v. 12 $100 53—v. 13 $30 75,	131 28	
Amount paid sheriff for costs, v. 6.		

$266 08. Paid for affdvits $11 00, 277 08	
	45,121 83
	$3,876 97

[B.]

State of Mississippi to D. Shelton	*Dr.*
To five per cent, commissions on $48,998 80,	$2,449 95
To fee in Craft et al paid Gov. of State, say	125 00
To 5 pr. ct. commissions on $5,305 00 at 5 pr. ct.,	265 25
To fee for extra services in Gov. vs. Gilbert and Dawson,	100 00
	2,940 20

ATTORNEY GENERAL'S REPORT.

EXECUTIVE CHAMBER, 1st December, 1854.

Hon. John D. Freeman, Attorney General:

SIR: You will oblige me by informing me, on the 1st of January, 1846—

1st. What is the condition of the Judgment on the late Treasurer's (Graves) bond, and what is the probable chance of collecting the money on it?

2d. What is the condition of the quo warranto proceeding against the Planter's Bank, and the suit against the Mississippi Railroad Company?

3d. The reasons why it was deemed better to proceed against the Planters' Bank by quo warranto, than by Bill in Chancery under the Act of 1844?

4th. What is the condition of the case of the State *vs.* Horace Pagaud?

The information will be used in my Message to the Legislature. You will oblige me by being prompt and accurate.

Very respectfully your obedient serv't,

A. G. BROWN.

OFFICE OF THE ATTORNEY GENERAL,
Jackson, Dec. 29, 1845.

SIR: Your communication of December 1st, was received. You request me to give you information on the 1st day of January, 1846, with regard to the following matters:

1st. "What is the condition of the Judgment on the late Treasurer's (Graves) Bond, and what is the probable chance of collecting the money on it."

Suit was brought by me, in the Carroll Circuit Court, against the securities of R. S. Graves on his Treasurer's Bond, being ten in number. I was compelled to send to Washington City for the deposition of several of the officers of the United States, which delayed the progress of the State, until October, A. D. 1845, when final judgment was obtained against eight of the sureties for the sum of $51,865 47, being the amount of the Treasurer's defalcation with interest thereon, up to the date of the judgment. Pending the suit, two of the sureties, Thos. Hogg and William Peery, died; and the suit was therefore abated as to them, and the District Attorney directed to bring suit against their administrators as soon as the law would permit.

By reference to the certificates of James Bond, Thomas Heslip, Franklin E. Plummer and Edward Johnson, then sheriff of Choctaw county, where all the sureties but one resided, it will be seen that the sureties were then out of debt, and their property estimated as follows:

E. Graves,	$30,000
James Bond,	20,000
John Middleton,	15,000
Valentine Harman,	10,000
Edward Williams,	20,000
Thomas Hogg,	20,000
William Peery,	15,000
H. P. Barnes,	8,000
R. W. Graves,	40,000
Maban Barefield not estimated.	
Total	$178,000

The certificates were relied on by Gov. McNutt when he approved the bond. Since the judgment has been obtained, I have heard it said by persons residing in the neighborhood of the sureties, that the money could not be made out of them. What pro-

gress the Sheriff has made with the execution, I am not at present advised, as I relied on the District Attorney to have the same issued and levied forthwith. I am informed that R. W. Graves has sold his plantation in Yazoo county, and moved with his slaves to Louisiana. I would therefore recommend that a special attorney be employed to prosecute him in that State.

2nd and 3d. "What is the condition of the quo warranto proceeding against the Planter's Bank and the Mississippi Railroad Company, and the reasons why it was deemed better to proceed against those banks by quo warranto, than by Bill in Chancery, under the Act of 1844."

The quo warranto statute was passed by the Legislature of 1843, and an information in the nature of quo warranto was pending in the Circuit Court of Adams county against the Planters' Bank at the time the Statute of 1844, relative to that Bank was passed. The Legislature were aware of this fact, as will be seen by reference to section 19 of the Act of 1844, page 145, where they propose to release the banks from the operation of the quo warranto statute of 1843, upon the condition that they voluntarily surrender their corporate franchises to the State, on the conditions set forth in the second section of said Act. The Planters' Bank refused to surrender, but contended that the law of 1844 repealed the law of 1843 as to that bank, and moved the Circuit Court to dismiss the information on that ground. The Court decided that the law of 1844 did not repeal the law of 1843, and that the information must proceed, as that Court had first taken jurisdiction of the law. This decision of the Circuit Court put it out of my power to file a bill in Chancery against the bank, under the Act of 1844. Upon the familiar principle of law, that where two courts have concurrent jurisdiction of the same matter, the court which first takes jurisdiction, retains it. The power of the Circuit Court to wind up the affairs of the bank were as plenary as those of the Chancery Court, and had the two proceedings been carried on, it would have presented the singular aspect of a Court of Law and a Court of Chancery, both contending for the possession of the assets of the Bank.

On the trial of the information against the Planters' Bank, I assisted the District Attorney in behalf of the State. We obtained a judgment of forfeiture against the Bank, from which an appeal

was taken, and the case is now before the High Court of Errors and Appeals for adjudication.

With regard to the Mississippi Railroad Company, I filed a bill in Chancery under the law of 1844, and all the property of the company, save the slaves and town lots, is now in the hands of receivers appointed by the Chancellor, to take charge of the same. The slaves are in the hands of a trustee appointed by the bank, to hold them for the benefit of certain creditors of the bank. Whether the Chancellor will take possession of them also, regardless of the deed of trust made by the company, remains to be determined.

4th. "What is the condition of the case of the State vs. Horace Pagaud."

At your request I appeared in the prosecution of Pagaud in the Circuit Court of Warren county, and succeeded in convicting him on three indictments of the crime of forging warrants of the Auditor on the State Treasurer. He was sentenced to ten years imprisonment in the Penitenitentiary in each case, that being the least punishment that could be inflicted for this crime. His counsel obtained writs of error to the late December term of the High Court of Errors and Appeals, where all the cases were recently argued, and the Court granted him new trials in each case, on the ground that the Circuit Court excluded circumstantial evidence, to which the prisoner was legally entitled. The evidence excluded might have gone to the jury without changing the result. I entertain no doubt of his ultimate conviction.

Hoping that the foregoing information will prove satisfactory to your Excellency, I am, with great respect,

Your obedient servant,

JOHN D. FREEMAM.

To His Excellency, A. G. Brown, Governor, &c.

CORRESPONDENCE ON THE SUBJECT OF THE PENITENTIARY.

Executive Chamber,
City of Jackson, Mi., July 31, 1845.

Dear Sir: I respectfully request answers to the following questions:—

1st. How is the convict labor in your Penitentiary employed? Does it engage in manufacturing cotton or woolen goods, or is it employed in the ordinary mechanic arts?

2nd. If the convicts have been employed in manufacturing, please state what articles have been manufactured, and how does such a system of labor compare with the ordinary mechanic labor as to profits. Will a given number of hands realize a greater amount of profit from their labor in the manufacturing business, or in the mechanic pursuits?

3d. Do you rent or lease your Penitentiary?

If yes, please send me a copy of the law under which it is rented or leased, and state to me what is your opinion of this plan, compared with the other systems of working the convicts, under officers employed by the state.

An early answer is respectfully requested.

Yours, &c., &c.,

A. G BROWN.

One copy of the above letter has been sent to the Governors of the different states named below, to-wit: Louisiana, Alabama, Kentucky, New York, Ohio, Pennsylvania, Georgia, and Tennessee.

Copy of letters from James C. Jones, Governor of Tennessee, and others, in relation to the Penitentiary system, &c.

EXECUTIVE DEPARTMENT,
Nashville, August 12, 1845.

DEAR SIR: I have the honor to acknowledge the receipt of yours of the 31st ultimo, in which you ask for certain information touching our Penitentiary system.

The convicts in our State Prison are employed chiefly in the mechanic arts, such as shoe-making, hatting, coopering, tailoring, blacksmithing, wagon-making, cabinet-making, and indeed almost all the branches of the mechanic arts, usual in this state. The only species of manufacturing engaged in by the convicts, is in the carding and preparation of wool for the making of hats and other purposes. The most important department of labor in the prison, is the stone-cutting; a much larger proportion of hands are employed in this branch of labor than any other. There has been much clamor in this state by the mechanics against the sys-

tem of labor pursued in the prison, alledging (not without cause) that it was an unequal and unfair competition produced between them and convict labor. So manifest was this injustice, that I called the attention of the Legislature to it, and suggested that a different direction should be given to their labor. The Legislature concurred with me in opinion, and directed the superintendents of the prison to divest as much of the labor as they could from their former pursuits, to the erection of a State House; only taking care to keep so many employed in the mechanic arts as would support the institution. When the state house shall become completed, I do not doubt that the Legislature will direct, that the convicts shall be employed in manufacturing. I do not doubt that this will be found quite as profitable as the present system.

The prison is under the exclusive control of the state, and is managed alone by its agents. We have never made any experiment of renting or leasing, and whilst it might be as profitable, yet I do not think the state should regard her citizens as slaves, (though they be culprits) and expose them to cruelty and oppression, as would most likely be the case if they were under individual control.

Should you desire other information on this, or any other subject, I shall take great pleasure in affording it.

Respectfully, your ob't serv't,

JAMES C. JONES.

EXECUTIVE DEPARTMENT,
Milledgeville, August 15, 1845,

DEAR SIR: During the temporary absence of Governor Crawford, I take the liberty, in compliance with your request, to give you an early answer to your inquiries respecting our Penitentiary system, &c.

I requested Mr. A. W. Redding, principal keeper of the Georgia Penitentiary, to furnish me with some items of information on the subject. He has been kind enough to reply to your interrogatories somewhat at length, but no one is better qualified to give better opinions on this head than he. With this recommendation of his ideas, permit me to endorse them to you.

Very respectfully, your ob't serv't,

S. J. ANDERSON, *S. E. D.*

His Excellency, A. G. BROWN, Jackson, Miss.

To the question. 1st. "How is the convict labor in your Penitentiary employed? Does it engage in manufacturing cotton or woollen goods, or is it employed in the ordinary mechanic arts?"

The convicts in the Georgia prison, are not engaged in the manufacture of any cotton or woollen goods; they are employed in the manufactury of leather, and that leather into shoes, harness, bridles, and leather to finish carriages, embracing all of the coarser and heavier leather, and a portion of the finer. The manufacture of waggons of every grade, buggies, barouches, coaches, every grade of vehicles, house hold furniture, &c.

The greater portion of the convicts may be said to be employed in the mechanic pursuits.

2nd. "If the the convicts have been employed in manufacturing, please state what articles have been manufactured, and how does such a system of labor compare as to profits? Will a given number of hands realize a greater amount of profits from their labor in the maaufacturing business, or in the mechanic pursuits?

It has been found to be most profitable to follow the "mechanic pursuits," because perhaps solely on account of job work coming exclusively under this division; a trial of four years has been given to this prison in the manufacturing business exclusively, and the result was, that a large quantity of manufactured articles had accumulated, and on hand, without any natural or artificial mode of cheap conveyance for transportating these articles to where they were wanted. And they not being of that kind of manufactures that would bear waggoning, they were sold at great losses.

For the last two years, a different system has been pursued, and a very different result has ensued.

That a regular manufacturing business with a given number of hands will result in the greatest profits, I do not doubt, if we are to be governed by what the manufactures are worth, at fair prices; but if we are to be governed by what is realized in cash for the labor of a given number for any series of years, then I apprehend that the business of manufacturing should be pursued no further than can be sold, and such branches selected as will combine the greatest amount of labor to be bestowed on it, and meet the largest wants of the people in reach of it; hence our selection of the manufacture of leather, and that leather into such shape as will sell it. It is the design to carry this branch exclusively into operation.

We have now seventy-two vats for tanning, which are capable of tanning six thousand hides or pieces per annum. The profits of this establishment you can easily and correctly estimate, by the prices the articles bear in your state. Eight hands and one superintendent is sufficient for a yard of this extent, and twenty-four hands of all descriptions, will work up the leather it will make.

About ten thousand pairs of negro shoes will come from a yard of this size, besides the harness, bridles, kip, and other skins that will pass through the yard per annum. As I apprehend the location of your prison is perhaps as unfortunately situated as ours—without a river or railroad, to make cheap and easy transportation, it is of vital importance that such pursuits be engaged in, as will combine the largest amount of labor in their construction, with the least cost of foreign material; taking care to let them be of that kind that shall be of first necessity; and that must be used by the people, whether produce be high or low priced, whether large crops, or no crops be made. Of this kind is iron, leather, salt, &c.; and of any one of these, or all of these, you cannot manufacture too much. The balance of the labor of the convicts may be profitably employed in job or repairing work, making coarse vehicles, and coarse furniture. We regard the leather business the best that we can do.

To your third interrogatory, "Do you rent or lease your Penitentiary? If yes, please send a copy, &c., and state to me what is your opinion of this plan, compared with the other system of working the convicts, under officers employed by the state?"

The system of farming out the Penitentiary, has been proposed to the legislature of this state, but this proposition has not received any serious consideration by that body, and in my opinion, should not.

It would seem to be difficult to make such an exact division of prerogative between the state, who undertakes to punish offenders, and the lessor who undertakes *to make money for himself*, that I can but apprehend most serious detriment to the attainment of the object of the one, and the obligation of the other. The great object to be attained in this mode of punishing offenders, is to make bad men better men, and not bad men worse men; and to arrive at this desirable object is the great desideratum. One of the first things to be accomplished, is to remove all impediments and hin-

drances out of the way, on obtaining the man best qualified to accomplish this object; for it may be remembered that bad men must be brought to see and feel by reflection, example, admonition, kindness disinterested, the heighth from which they are fallen; the depth to which crime has sent them. You cannot *make men by brute force, better men*; you can only expect, or hope to do so, when that latent spark of all that is manly, can be roused by exhibitions and sentiments of the kindlier feelings of the human heart. These kindlier feelings and sentiments, you may expect your officer, your principal keeper to have and to exhibit to your convicts, if you have from a wide field selected him; but can you expect it of him who has hired your Penitentiary convicts, as a plantation and negroes. It may not be denied that these human beings have so far forfeited their rights—grant it—but have you, has the state accomplished her ostensible object? She has not. She can not.

Many, very many objections might be urged against the system of leasing or renting out the Penitentiary; but it is deemed to be sufficient to put the whole matter at rest, to state it thus: Is it practicable to expect that men who are vicious, corrupt and overwhelmed with crime, can by this mode of punishment be restored? And if it is, let us ascertain the precise manner they must be managed to accomplish this object. And if in ascertaining the manner they must be treated and managed, we shall find that a man under pay of the state, with enobled, enlarged feelings for his species, will be more likely to devote his energies to accomplish so noble an object as the restoration of his species from low infamy, and raise him up to his proper standard; let us employ by the state, the proper officers to manage the inmates.

Let the convict be treated as near as may be, upon purely parental principles, and he must, he will come out of prison; a better man.

SECRETARY OF STATE'S OFFICE,
Columbus, Oct. 1, 1845.

SIR: Your communication to the Governor of Ohio, dated July 3d, and relating to the management of the Ohio Penitentiary, has been this day handed to me by him, with the request that I answer

it. With this request, I take great pleasure in complying. Your first query is:

1st. "How is the convict labor in your Penitentiary employed? Does it engage in manufacturing cotton or woolen goods, or is it employed in the mechanic arts?"

As a general thing, *neither*. The directors and warden make an effort to employ the convicts in such manner as not to compete with manufacturers or mechanics in our own state, at the same time taking into consideration the interest of our treasury, by occupying them *profitably*. The variety of articles maunfactured in the Ohio Penitentiary, is almost endless. Carpets, coach-lace, saddle-trees, barrels, buckets, stirrups, scythes and *clothing*, are among the heaviest items.

2nd. "If the convicts have been employed in manufacturing, please state what articles have been manufactured, and how does such a system of labor compare with the ordinary mechanic labor as to profits. Will a given number of hands realize a greater amount of profit from their labor in the manufacturing business, or in mechanical pursuits?"

These questions have in part been answered above, so far as answer to them can be made. To the *contractors* the profits certainly *are* greater than if they employed free labor. As for instance, forty tailors are hired out at forty cents per day. Suppose mechanical pursuits will, upon the whole, prove most profitable; although much depends upon circumstances. It is impossible to answer this last question with exactness.

3d. "Do you rent or lease your Penitentiary?"

No: The prison buildings are of the best and most durable material, containing within itself all the elements of a village, and enclosing within its walls an area of several acres. As you ask no questions on that point, I will not detail to you its structure, or the arrangements with regard to time and labor. It is sufficient to say, that although the work of the prisoners is done *for contractors*, to whom they are hired, it is all done under the charge of the warden and directors, and under the immediate superintendence of "guards" or overseers, paid by the state. The only control exercised by a contractor, is to instruct or procure the instruction of the convicts, in the practical branch of labor at which they are employed. Order, and the strictest punctuality and cleanliness mark

every thing. The discipline is necessarily, extremely strict.

The only fault found with the system of labor, in the Ohio Penitentiary, is that it occasionally interferes, or is supposed to interfere, with the profitable occupation of some branches of mechanical pursuits. For that reason, as soon as the present tailoring contract expires, it will not be re-let. With this single exception, the system seems to work with extreme harmony, and with profit as well to the contractor as to the state.

The earnings of the institution for 1844, were,	$41,139 58
The aggregate expenditures, - - -	22,796 83¾
The net earnings then for 1844, are, - -	$18,342 74¼

The number of the convicts at the time of the last report, was four hundred and sixty-four.

I have thus given you all the information which I consider as bearing upon your inquiries. Any *further* information which may be called for, will be cheerfully given.

Yours, very respectfully,

D. W. HALSEY.

Chief Clerk, Sec'y of State's Office, Ohio.

LOUISIANA PENITENTIARY,
Baton Rouge, 22d Oct. 1845.

To his Excellency, A. Mouton, Governor:

SIR: In compliance with the request contained in the letter of His Excellency, the Governor of Mississippi, dated 2d October, transmitted to me, in yours of the 8th inst., I beg leave to submit the following answers to the questions contained in said communication.

1st. The Penitentiary has been leased by the Executive of this state, to the present lessees, Messrs. McHatton, Pratt & Co., on the 1st October, 1844, for five years. Sufficient time has not yet elapsed to determine whether the present mode of conducting the institution will be for the interest of the state, and reformation of the convicts.

2nd. The business of manufacturing by machinery, has been partially introduced, and is now being extended by the lessees.

There are at present 1020 spindles, of which there are 720 in

operation for spinning cotton, and 240 employed for spinning wool.

Eight thousand yards of coarse cotton goods, and fifteen hundred yards of coarse woolens are manufactured weekly.

The engine, machinery, and factory, employ seventy-five convicts. There are in the Penitentiary, at this present time, 212 convicts. The present machinery cost $16,000, but could now be purchased for much less, say about $14,000, including engine. The profits for the year which expired on the 1st inst., amount to $18,022 96. Deducting the expense of the seventy-five convicts, for maintainance, clothing, guards, &c., amounting to $8,212 50, leaves a net profit for the manufacturing department of $9,810 46. The profits arising from the manufacture far exceeds that of any other branch of industry in the institution.

By extending the machinery, in order to give employment to the whole of the convicts, the profits would be increased, as the expenses would be reduced.

By introducing manufactures in this Penitentiary, it has done away with a great cause of complaint on the part of the mechanics of this town and neighborhood, as they do not enter into competition with their industry.

I am, sir, very respectfully, your ob't serv't,

SAM. L. ISETT, *Clerk.*

REPORT OF THE COMMISSIONER OF THE SEMINARY FUND.

OFFICE OF COMMISSIONER OF SEMINARY FUND,
Jackson, December 30, 1845.

To His Excellency, A. G. Brown,
Governor of the State of Mississippi:

SIR: In obedience to the requisition of the act of the legislature, creating the office of a Commissioner of the Seminary Fund, approved July 26, 1843, and in obedience to your requisition of the 8th instant, I beg leave to submit for your consideration, the following report, viz:

There has been paid into the treasury up to this date,

the sum of	$79,548 76
Interest accruing on the same,	23,519 64

Which leaves to the credit of the fund, now in the treasury, the sum of - - - - - $103,068 40

There remains to be collected the sum of - - 151,680 22

$38,287 93, I consider entirely secure.

There is due from the Planters bank the sum of $10, 269 79. The sum of $7,557 69, they alledge they are unable to pay. $2,712 10, they have the state warrants on hand to represent the indebtedness, which were, through mistake, placed to the credit of the sinking fund, which they refuse to pay, and most unjustly retain.

There is also due on the following decrees in the Chancery Court, viz:

1	Governor of Mississippi	vs	Cole's heirs, -	$28,358 17
2	"	"	" J W N A Smith's heirs	27,034 14
3	"	"	" Runnels' heirs, -	43,794 99
4	"	"	" Stiger & Long's heirs	12,365 65
5	"	"	" Wadlington, -	1,807 44
6	"	"	" Josiah Brenner, -	5,071 77
7	"	"	" D F McCarty, -	288 70
8	"	"	" Walter Strother, -	2,561 19
9	"	"	" L R Starks, -	2,693 67
10	"	"	" J W Hanna, - -	2,111 22
Amounting to - - - - - -				$126,086 94

Sales of land were made under the foregoing decrees in August last, amounting to $42, 546 40, including one section purchased by me for the state, at ten dollars per acre, which leaves the sum of $83,546 54 due on said decrees unavailable.

There is also due on the following judgments, in the circuit court of Hinds county, viz:

The Governor vs Battle & Cotton, surety for Jesse Andrews, $17,308 03. The judgment is unavailable. There is a judgment in Madison county against Charles B. Green, for $3,150 00, which will be made by the next regular term of the circuit court of said county if no legal delay is interposed.

A judgment has also been obtained in the Carroll circuit court against A. W. McCarroll, adm'r of Barfield, and land sold under the same, which was purchased by me for the state, at the sum of $200 00. The balance of the judgment is unavailable. Also a

judgment against the same for $1,064 56, which is likewise unavailable.

Also a judgment against Robinson, adm'r of the estate of Isaac Caldwell, for $7,196 60⅔, which is now levied on land, and will be sold on the third Monday of January, if no legal delay is interposed.

Also a judgment against H. K. Moss security for Samuel Smith, for $1,814 10, which is now levied on land, and will be sold on the third Monday of January. The land will only bring a small portion of the debt, the residue will be unavailing.

Suits are pending in the Hinds circuit court against Ja's Smith's executors for $1,576 41, the amount contested. If judgment should be obtained, a small part of the debt only can be secured. A suit is also pending against J. B. Fox, for $200 00, who is said to be insolvent; land liable therefor, said to be worth the debt. A suit is also pending against R. J. Hodge, security for J. T. Sims, for $623 15, which is said to be good. Suit is also pending in Warren county against C. D. Tucker, on a note for $2,616 70, of which the collection is doubtful. There is also a note on John Tullis, for $2,784 93, which will probably be paid this spring.

There will be due by Gerard Stites, on judgment for the purchase of land, on the 12th day of August, 1846, the sum of $4,988 80, which will be collected soon after it is due, if no legal delays are interposed. Also a judgment against A. J. Montgomery for $270 00, which will be collected shortly after it falls due. There is $7,640 00 due by Richard M. Johnson, Jr., and B. F. Johnson, one-third of which was due last August, and would have been collected had no legal delays been interposed. But the chancery court set the sale aside by which the debt was created, believing the same to have been made upon exparte tes' mony. I have instructed the Attorney General to ask for a re-hearing in the case, which application is still pending. If the decision is not reversed one-third of the purchase money of the land having been paid into the treasury, the land for which the debt was created will be re-sold and will bring the other two payments. McDaniel and sureties owe $5,720 00, and his debt is in a similar situation; and in both cases, if the land should be re-sold, I am of opinion the fund will lose nothing, provided the legislature retains the first payments. Application in both cases, I am informed, will be made to the legis-

lature for a re-payment of the first instalments. I would respectfully suggest to the legislature, that in the Johnson case the purchase was bona fide made for the benefit of B. F. Johnson, and he should be held to his contract; and also McDaniel has no cause to complain, except as to a quarter section which was sold at $2 62½ per acre, and he is entitled to a credit on his bond for the amount, as the land seems to have been improperly sold by the commissioner in chancery, Wm. Herrald. There is due by Isaac Bass one note of $706 33, which is part due, and will probably be paid in a few days. The other $706 33, will be due in June next, and will be paid without suit. There is also due by Richard M. Johnson, Jr., for rent of section 32, about $200 00.

Summary showing at one single view the value of said fund:

Now in the treasury,	$103,068 40
Amount secure and certain of collection,	38,287 93
Section 32 valued at ten dollars per acre,	6,400 00
304 acres of land valued at five dollars per acre,	1,520 00
320 " " " $1 25 per acre,	400 00
160 " " " " "	200 00
Due for rent of seminary land,	200 00
Total,	$150,076 33

This amount of $ is the available portion of the fund.

The unavailable portion consists of the following items, viz:

Due on judgments, decrees and notes in suit, and from the Planters bank, (aggregate.)	$117,172 29
849 shares of Planters bank stock,	84,900 00
Total,	$202,072 29

All of which is respectfully submitted,

MORGAN McAFEE.

JOINT RESOLUTIONS, TENDERING TO ANDREW JACKSON A NATION'S GRATITUDE.

DEPARTMENT OF STATE, TEXAS,
Washington, on the Brazos, 4th July, 1845.

SIR: In compliance with the request of the honorable Congress, expressed in the second section of a joint resolution, adopted on the 21st ultimo, tendering to General Andrew Jackson the tribute of a nation's gratitude, His Excellency, the President, transmits, through this department, with the assurance of his high regard, to your Excellency, a copy of the joint resolution referred to.

In receiving this testimonial of respect and esteem, offered by the Texian people, through their representatives, to the merits of that renowned chieftain, I pray your Excellency to accept the assurance of the distinguished consideration with which I have the honor to be, Your Excellency's

Most obedient and faithful servant,
OBED ALLEN, Secretary of State.

To His Excellency, the Governor of the State of Mississippi.

JOINT RESOLUTIONS, tendering to General Andrew Jackson the tribute of a nation's gratitude.

WHEREAS, by the many valuable and important services rendered through a long and useful life by Major General Andrew Jackson, to the cause of civil and religious liberty, he justly enjoys, and is entitled to the love and admiration of all his species; Therefore,

Resolved, by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That, in the name and in behalf of the people of the Republic of Texas, we hereby tender to General Andrew Jackson, the UNFEIGNED GRATITUDE OF A NATION.

2d. *Be it further resolved*, That the President of the Republic of Texas is hereby requested to transmit to General Jackson, to His Excellency, the President of the United States, and to the Governor of each State and Territory of the American Union, a copy of this joint resolution.

JOHN M. LEWIS,
Speaker House Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 21st, 1845. ANSON JONES.

DEPARTMENT OF STATE,
Washington, 24th June, 1845.

The undersigned, Secretary of State of the Republic of Texas, hereby certifies that the foregoing is a copy of the original joint resolution on file in the archives of this office.

In testimony whereof, the official seal of the department is hereunto affixed.

OBED ALLEN.

A LIST of the Returns made to the Secretary's Office, of the Census taken for the different Counties in Mississippi, in the year A. D., 1845.

NAMES OF COUNTIES.	WHITE INHABITANTS.	REMARKS.
Adams County,	3840	Including 2327 in the city Natahez.
Amite "	3804	
Attala "	5433	
Bolivar "	387	
Carroll "	7556	
Chickasaw "	6423	
Choctaw "	6652	
Claiborne "	3043	
Clarke "	2987	
Copiah "	5703	
Coahoma "	1109	
Covington "	2015	
De Soto "	7303	
Franklin "	2188	
		58,443
Greene "	1322	
Hancock "	1737	
Harrison "	1449	
Hinds "	7910	
Holmes "	5551	
Itawamba "	9461	
Jackson "	1570	
Jasper "	3131	
Issaquena "	378	
Jefferson "	2275	
Jones "	1405	
Kemper "	5713	
Lauderdale "	5242	
Lawrence "	3641	
		50,785
Leake "	2476	

NAMES OF COUNTIES.		WHITE INHABITANTS.	REMARKS.
Lafayette	"	6061	
Lowndes	"	7320	
Marion	"	2195	
Madison	"	4400	
Monroe	"	6591	
Marshall	"	10,221	
Neshoba	"	2167	
Newton	"	2694	
Noxubee	"	5369	
Octibbeha	"	3568	
Perry	"	1508	
Pontotoc	"	6823	
Pike	"	3795	
Panola	"	4058	
Rankin	"	3621	
			72,867
Scott	"	1958	
Simpson	"	2839	
Smith	"	2590	
Sunflower	"	330	
Tunica	"	194	
Tippah	"	11,669	
Tishemingo	"	9983	
Talahatchie	"	1819	
Warren	"	6242	Including 2865 in city Vicksburg.
Washington	"	474	
Wayne	"	1322	
Wilkinson	"	3503	
Winston	"	4341	
Yalabusha	"	7623	
Yazoo	"	4706	59,593 Aggregate, 241,688
			241,688

REPORT OF THE QUARTER-MASTER-GENERAL.

QUARTER-MASTER-GENERAL'S OFFICE,
Jackson, Jan. 1, 1846.

To His Excellency, A. G. Brown, Governor of Mississippi:

SIR: I have now the honor, in compliance with your official requisition communicated to me under date of the 25th November, 1845, to report to your Excellency as follows:

1st. The number and condition of muskets and accoutrements belonging to the State, and what disposition has been made of them.

2d. The number and condition of rifles, &c., and their disposition.

3d. The number of pistols, holsters, &c., and their disposition.

4th. The number of cannon, their size, and where located.

It is a matter of regret that I am compelled to communicate to your Excellency the fact, that the arms, accoutrements, &c., belonging to the State, are far from being in the *good condition* they *ought* to be. This arises principally from the fact of there being no suitable place in which to deposite them, and the frequent necessity of removing them from place to place, and the consequent exposure to the damp atmosphere.

The room in the capitol, at this time occupied as a depository of the arms, &c., of the State, is by no means suitable for such a purpose; nor is it a suitable or convenient position for them. Two of the cannon, now under the immediate charge of this department, are from necessity, deposited under sheds in this city. This is not only an unsafe place for them, but they are liable to great damage, and it should not be permitted if it could be obviated, but which cannot be done unless the legislature will authorize the erection of a suitable building.

It is scracely necessary to allude to the many inconveniences which have attended the safe and proper keeping of the State arms and munitions of war, during the past two years—the detriment which the State has suffered in consequence thereof, as they are well known to your Excellency. Yet I would be permitted, respectfully, to suggest to your Excellency the propriety of recommending to the legislature, the expediency of having an *armory* and magazine erected with as little delay as may be practicable, wherein the arms, &c., belonging to the State could be deposited

and safely secured from loss, injury or improper interruption.

Independent of these pecuniary considerations, it seems to me that a building of the kind is imperiously demanded upon the score of prudential considerations and requires no argument to make a direct appeal to the sound discretion of any good citizen who will give the subject a moments reflection.

I am informed by Col. A. M. Winn, of Warren county, that the "Southrons" of Vicksburg have in their possession some six pieces of cannon. He desires to know of me what disposition shall be made of them as to their more equitable distribution, and as to the obtaining bond for the same. I have not given him any directions upon the subject, and shall await your Excellency's instruction in the matter.

Before concluding the report, it is but proper I should communicate to your Excellency, that there is a manifest indisposition on the part of those who have been placed in offices coming under the head of my department, to render that cheerful and prompt attention in the discharge of their duties, which is so necessary to the efficient organization of the militia system of this state. It arises in most cases, I am persuaded, from the limited salaries allowed by law to the persons *selected* to fill these offices. The salary of one hundred dollars is totally inadequate to the trouble and responsibilities incident to the office. Such persons, only, should be selected for these stations, who would agree to faithfully perform the duties thereof; and in order to secure such, fair and equitable compensation must be allowed, and then a rigid compliance enjoined upon them for the prompt and efficient fulfilment of the duties of their respective offices. But I deem it unnecessary to make any other suggestions to your Excellency, as you are well aware of what is required for the correction of the present defects of our present inefficient militia system. For a more complete statement, I beg to refer you to the accompanying paper marked A.

Very respectfully,

W. M. SMYTH.

Quarter-Master-General, Miss. Militia.

ACCOMPANYING PAPER [A.]

A LIST of public arms distributed to different volunteer companies in the state, by W. M. Smyth, Quarter-Master-General, from the 18th day of January, 1844, to the 18th day of January, 1846.

Date of Bond.	Name of Company.	Arms.
Aug. 27, 1844,	Lafayette Cavalry,	62 swords, 62 pr. pistols and accoutrements,
Dec. 18, "	Attala Guards,	60 muskets & accoutrements
April 10, 1845,	Fulton Guards,	64 " " "
May 23, "	Lafayette Guards,	60 " " "
June 18, "	Carroll Guards,	29 pr. pistols 40 swords, &c.
July 2, "	Oregon Guards,	35 rifles,
" 17, "	Quitman Riflemen,	40 muskets and 70 accoutrements—22 accout's ret'd,
" 22, "	Lexington Volunteers,	60 muskets & accoutrements
Aug. 15, "	Aberdeen Guards,	40 " " "
" 28, "	Claiborne Guards,	21 bayonet scabbards,
Sept. 5, "	State Fencibles,	30 muskets & accoutrements
" 26, "	Athens Light Guards,	60 " " "
Nov. 12, "	Pontotoc Dragoons,	64 pr. pistols, 64 swords &c.
" 29, "	Vicksburg Volunteers,	40 muskets, &c.,
	Total,	454 muskets, 35 rifles, 155 pair pistols, 166 swords, 21 bayonet scabbards,
Dec. 11, 1844.	David Dickson,	1 Hall's rifle,
	M. O. Hopkins,	1 " "

There is at present in the possession of the Quarter-Master-General,

60 Hall's patent rifles and accoutrements, in good order.
62 pair pistols, " " " " "
60 muskets, " " " " "

As also—4 cannon, three of which are six pounders, and one twelve: two of them on wheels, and all in good order.

There are six pieces of ordnance at Vicksburg, two at Natchez, and one at Port Gibson, belonging to the state—*all, I believe, in good order.*

CITY OF JACKSON, Jan. 1, 1846.

W. M. SMYTH,
Quarter-Master-General. Miss. Militia.

REPORT OF THE ADJUTANT GENERAL.

—

STATE OF MISSISSIPPI,
Adjutant-General's Office, Dec. 27, 1845.

A. G. Brown, Commander-in-Chief:

SIR—In conformity with law, and your requisition of the 8th inst., I have the honor herewith to lay before you the number and rank of the commanding officers in the militia of this State, together with the many vacancies yet remaining in the same. Annexed, you will find a table, exhibiting the number and rank of all officers now in commission. A great number of the beat officers, however, are acting under brevet appointments, and whose names, therefore, are necessarily excluded from the annexed table.

The staff of the Commander-in-Chief, is fully officered.

The 5 divisions are officered, with the exception of the staff of the Major-General of the 2d division, and a Quartermaster in the staff of the Major-General of the 1st division.

The 11 brigades are officered, with the exception of the 1st brigade of the 4th division, and the staffs of the 2d brigade of the 2d division, and the 1st and 2d of the 5th division. An election has been held to fill the vacancy occasioned by death, in the 1st brigade of the 4th division, and partial returns received.

The requisitions made upon the commandants of the several regiments by order of the Commander-in-Chief, have, but in a very few instances, been complied with. I am, therefore, driven to the necessity of a reference to the registers in this office, for the information sought, instead of the reports anticipated by such orders.

The 1st regiment is fully officered. The 2d regiment has a Colonel and Lt. Colonel and Major. Beat companies, A and B, are officered. In beat company C, the offices of Captain and Lieutenant are vacant. Companies D, E and H, are officered. G has 1 Lieutenant, and F 1 Ensign. The 3d regiment has a Colonel, Lt. Colonel and Major; and beat company F, officered. All others vacant. The 4th regiment has a Colonel and Major. Beat company A, is officered; B has a Captain, F is officered. The 5th regiment has a Colonel and Lt. Colonel; and beat company C. a Lieutenant and Ensign; C an Ensign; E and H are officered. The 6th regiment is fully officered, with the exception of a Colonel, whose term expired Nov. 15th. The 7th regiment has a Colonel, Lt. Colonel and Major—all others are vacant. The 8th regiment

has a Colonel, Lt. Colonel, and Major; beat companies, A and B, has a Captain and Lieutenant; C is officered; D has a Captain and Lieutenant; E has a Captain; F is officered. The 9th regiment has a Colonel and Lt. Colonel; beat company D, has a Captain; E is officered. The 10th regiment has a Colonel and Lt. Colonel; beat company A, has a Captain and Ensign; C a Captain and Lieutenant; E is officered; B a Captain and Lieutenant; D an ensign. The 11th regiment has no officer. The 12th regiment has a Colonel, Lieutenant and Major; beat company C, is officered, and E a Captain and Lieutenant. The 13th regiment has a Colonel, Lt. Colonel and Major; beat companies A, B, C and D, have a Captain; E is officered. The 14th regiment has no officer. The 15th regiment has a Colonel, Lt. Colonel and Major; beat company A, has a Captain and Ensign; B is officered; C, a Captain and Lieutenant. The 16th regiment has a Colonel, Lt. Colonel and Major; beat company A, is officered; D, a Captain. The 17th regiment has a Colonel, Lt. Colonel, and Major; beat companies A, B, C, D, F, G, H and I, are officered; E a Captain and Ensign. The 18th regiment has a Colonel, Lt. Colonel, and Major; beat company B, is officered; D a Lieutenant and Ensign; C is officered; F a Captain; H a Captain; G is officered; K a Captain; L a Captain and Lieutenant; M a Lieutenant and Ensign. The 19th regiment has a Colonel, Lt. Colonel and Major; beat companies, A, B, D, E, F and L, are officered; C a Lieutenant and Ensign. The 20th regiment has a Colonel and Major; beat companies A and C, are officered; E a Lieutenant and Ensign. The 21st regiment has a Colonel, Lt. Colonel and Major; beat companies, A, C, D, G, I and J, are officered; B a Captain and Lieutenant; E a Captain and Ensign; F a Captain and Ensign. The 22d regiment has a Colonel, Lieutenant and Major: beat company A, is officered; B and C are officered. The 23d regiment has a Colonel; and beat companies, A and B, officered. The 24th regiment has a Colonel, Lt. Colonel and Major. The 25th regiment has a Colonel, Lt. Colonel and Major; beat companies, A, B, C, D, H, I, E, F and G, are officered. The 26th regiment has a Colonel, Lt. Colonel and Major; and beat companies, A, C and D, are officered. The 27th regiment has a Colonel, Lt. Colonel and Major: and beat companies, A, B, C, D, E and G, are officered; F and H, has a Captain. The 28th regiment has a Colonel, Lt. Colonel and Major: and beat

companies, B, E and H, are officered; C a Captain and Lieutenant; D a Lieutenant and Ensign. The 29th regiment has a Colonel, Lt. Colonel and Major; and beat companies, A, D, H and I, are officered; C a Lieutenant and Ensign; J a Captain; E a Captain; K an Ensign; G a Captain. The 30th regiment has a Colonel, Lt. Colonel and Major; beat company A, has a Captain; B a Captain, Lieutenant and Ensign; D a Lieutenant; E a Captain; F a Captain and Ensign; G is officered; H a Captain; E a Lieutenant and Ensign. The 31st regiment has a Colonel and Lt. Colonel; and beat companies, A, C, D and E, are officered; B a Captain and Lieutenant. The 32d regiment has a Colonel, Lt. Colonel and Major; and beat companies, A, B, C, E, F, G, H and I, are officered; D a Captain. The 33d regiment has a Colonel, Lt. Colonel and Major; and beat companies, A, B, D and E, are officered. The 34th regiment has a Colonel, Lt. Colonel and Major; beat company A, has a Captain; B and F, are officered; C a Captain and Lieutenant; D a Captain and Ensign; E a Captain and Lieutenant. The 35th regiment has a Colonel, Lt. Colonel and Major; beat companies, C, D and E, Captains. The 36th regiment has a Colonel, Lt. Colonel and Major; and beat companies, C, E, F and G, are officered; D a Capt. The 37th reg. has a Colonel, Lt. Col. and Major; and beat companies, B, F, E and G, are officered; H a Captain and Lieutenant. The 38th regiment has a Colonel, Lt. Colonel and Major; and beat companies, A, C, E and D, are officered. The 39th regiment has a Colonel and Major; and beat companies, B, C and E, are officered; A, a Lieutenant and Ensign. The 40th regiment has a Colonel, Lt. Colonel and Major; beat company A, has a Captain and Lieutenant. The 41st regiment has a Colonel, Lt. Colonel and Major; beat companies, A and C, are officered; B and D have Captains. The 42d regiment has a Colonel, Lt. Colonel and Major; beat companies, A, B, C, D and F, are officered; E a Captain and Lieutenant. The 43d regiment has a Colonel; and beat companies, A, B, C, E, D and F, are officered. The 44th regiment has a Colonel, Lt. Colonel and Major. The 45th regiment has a Colonel, Lt. Colonel and Major; and beat companies, D, A, B, E, F and I, are officered; C a Captain. The 46th regiment has a Colonel and Lt. Colonel; beat companies, D and E, has a Captain and En-

sign. The 47th regiment has a Colonel; and beat company F, is officered. The 48th regiment has a Colonel, Lt. Colonel and Major; and beat companies, A, E, F, H, G, I and K, are officered; C a Lieutenant and Ensign; D a Captain. The 49th regiment has a Colonel, Lt. Colonel and Major; beat company A, has a Captain and Lieutenant; B a Captain; C, D, E, F and G, are officered. The 50th regiment has a Colonel, Lt. Colonel and Major; and beat companies, A, F, G, H and I, are officered; C and E, a Captain and Lieutenant. The 51st regiment has a Colonel, Lt. Colonel and Major; and beat company A, has a Captain; B, a Captain and Lieutenant; C, D, F and G, are officered. The 52d and 53d regiments, have no officer. The 54th regiment has a Colonel, Lt. Colonel and Major; and beat companies, A, B and C, are officered. The 55th regiment has a Colonel; and beat companies, A, B, C, D, E, F, G and I, are officered; H, a Captain and Lieutenant. The 56th regiment has no officer. The 57th regiment has a Colonel, Lt. Colonel and Major; and beat companies, A, F and G, are officered; B a Captain and Lieutenant; C, a Captain and Ensign; D, E and H, have Captains. The 58th regiment, has Captains in beat companies B and D. The 59th regiment has a Colonel. The 60th regiment has a Colonel, Lt. Colonel and Major; and beat companies, B and E, have Captains; C, a Lieutenant and Ensign; D and H are officered. The 61st regiment has a Colonel, Lt. Colonel and Major. The 62d regiment has a Colonel, Lt. Colonel and Major; and beat Company A, has a Captain and Lieutenant; B a Captain; C and D, are officered. The 63d regiment has a Colonel, Lt. Colonel and Major; and beat companies, A, D, F and I, are officered; B, a Captain and Lieutenant; C, E and H, have Captains; G has a Captain and Ensign. The 64th regiment has a Colonel, Lt. Colonel and Major; and beat company H, has a Captain and Lieutenant; D, a Captain.

The two new counties. Issaquena and Sun Flower, have no organization, nor was there any authority for such, at the time of their creation. All of which, is respectfully submitted.

I have the honor to be,

Very respectfully, your ob't serv't.

B. C. BUCKLEY, A. G.

OFFICERS.	General Staff	Division Staff	Brigade Staff	Infantry	Total,
Commander-in-Chief,	1				1
Adjutant-General,	1				1
Major-Generals,		5			5
Brigadier-Generals,			10		10
Quarter-Master-General,	1				1
Assistant Quarter-Masters,	4				4
Division Inspectors,		4			4
Division Quarter-Masters,		3			3
Aids-de-Camp,	4	9	7		20
Brigade Majors,			7		7
Brigade Quarter-Masters,			7		7
Division Advocates,					
Colonels,				52	52
Lieutenant-Colonels,				47	47
Majors,				47	47
Adjutants,				30	30
Judge Advocates,				26	26
Quarter-Masters,				27	27
Surgeons,				27	27
Captains,				293	293
Lieutenants,				263	263
Ensigns,				238	238
					1,113

LETTERS FROM THE UNITED STATES DEPARTMENT.

Copy of a letter from G. Talcott, Lieutenant Colonel of the Ordnance Department, &c.

His Excellency, A. G. Brown, Governor of Mississippi.

City of Jackson.

Sir: I have the honor to acknowledge the receipt of your two letters of the 18th ultimo., and in answer to state, that agreeably to request therein contained, the balance of one hundred muskets referred to in my letter of the 25th February last, will be furnished in muskets with their appropriate accoutrements.

I also enclose herewith, a statement of the artilery, small arms, &c., with their value affixed to them, from its organization as a territory to the present time.

I am, sir, respectfully your ob't. sv't.,

G. TALCOTT, lieut. col. Ord'n.

Statement of the Artillery, small arms and other stores, with their value affixed to them, issued to the State of Mississippi, under the law of 1808, from its organization to the present time, viz:

4,	6 pdr., Brass Guns,	$1408 00
1,	12 " Howitzer,	272 00
10,	6 " Iron Guns,	000 00
11,	6 " Carriages, with implements,	3,500 00
2190,	Muskets,	29017 00
209,	Common Rifles,	28 21
313,	Hull's Rifles,	5477 00
1081,	Pistols,	8107 00
663,	Cavalry Sabres,	3700 00
120,	Artillery Swords,	480 00
1169,	Sets Infantry accoutrements,	3507 00
522,	Rifle accoutrements,	1566 00
663,	Cavalry accoutrements,	3315 00
120,	Artillery Sword-belts,	132, 00
1,	Percussion locks (for cannon,)	5 00
		$64,157 00
	One set of harness for 4 horses,	80 50
	Total,	$64,237 50

ORDNANCE OFFICE,
Washington, Feb. 25, 1845.

His Excellency, A. G. Brown,
Governor of Mississippi, City of Jackson:

SIR: I have the honor to acknowledge the receipt of your letter of the 4th inst., enclosing a certified statement from the office of the adjutant-general, of the strength of the Mississippi militia, and designating the kind of arms required for the present year. In answer I have to state, that previous to the receipt of your letter, the apportionment of arms for distribution to the several states and territories, predicated, as usual, upon the returns transmitted under the law of congress of March 2d, 1803, had been prepared in this office. But as the apportionment is still considered open for correction, the return received will be the basis for determining the quota of Mississippi, and will accordingly amount, the present year, to about 440 muskets.

The stores specified in your letter, viz:

2 six pounder brass guns with carriages and harness complete,
125 pair pistols, with holsters, &c.,
63 cavalry sabres and belts,

are equal in value to about 340 muskets, leaving a balance in favor of the state of 100 maskets, which can be furnished either in two additional six pounder brass guns, with carriages complete, or in muskets, or other small arms, as you may desire.

There are no nine pounder guns on hand, or provided for the use of the army; that calibre having been discarded from the service.

For your information I enclose herewith a copy of a recent decision of the secretary of war, governing in the issue of arms, under the law of 1808.

Be pleased to state at what place, and to whom the stores shall be delivered. The existing regulations require that the place designated shall be situated on naturally navigable water, within the state.

I am, sir, respectfully, your ob't serv't,
G. TALCOTT,
Lieut. Col. Ordnances.

REPORT MISSISSIPPI PENITENTIARY.

CLERK'S OFFICE,
Jackson, Dec. 13, 1844.

To His Excellency A. G. Brown, Governor of the State of Mississippi:

SIR: By direction of the Board of Inspectors, of this Institution, I have the honor to lay before you their annual report for the financial year ending on the 30th ultimo, together with the Reports of the Superintendent and Physician, and Exhibit marked C, from the clerk's books, showing the operations of the prison in detail.

In compliance with the statute, I have deposited in the office of the Auditor of Public Accounts, a statement of the current receipts, and expenditures, and also a general inventory of stock and cash on hand at the close of the fiscal year 1844.

I am with high regard, your ob't serv't,

DAVID N. BARROWS, *Cl'k.*

INSPECTOR'S OFFICE,
Jackson, Dec. 12th, 1844.

To His Excellency A. G. Brown, Governor of the State of Mississippi:

In compliance with the 8th section of the Penitentiary Code, approved 24th Feb., 1844, the Inspectors beg leave to make their Report.

First. On condition of the Prison.

The lower tier (50 cells in number) is all complete and in good order. In the second tier their are 36 cells completed, and 14 others which can be ready for use at very small expense. The workshops are in good condition and suited for the various branches of business carried on therein. There are also sheds, &c., for the sheltering of the articles manufactured, such as wagons, ploughs, &c. The buildings and yard about the Penitentiary, have been kept neat and clean during the present year.

Agreeably to resolutions passed at the last session of the legislature, the Superintendent purchased a carding machine, which has been in operation for several months; it is propelled by horse power. Also, constructed an iron door across the main passage

to the prison edifice, which has proved to be a great convenience, and in our humble opinion, much more safe than the old plan to prevent the escape of prisoners.

The legislature also passed a resolution, requiring a roof to be erected over the walls of the prison, (provided it was deemed expedient, by the Inspectors) in order to save the expense of the guard on the walls. The inspectors have from time to time had the same under consideration and deemed it inexpedient to carry the same into effect: for, although the roof might be built, yet, the guard would still be needed on the walls; the roof would therefore be an unnecessary expense.

The Inspectors do not deem it necessary to recommend any change about the premises, except, to erect a suitable building for a hospital, which we think very necessary during the winter. It can be dispensed with in summer, as the large passage between the cells, is then a cool and pleasant place for the sick.

Secondly. As regards the convicts.

By reference to the superintendent's report you will perceive the number of prisoners received the last year, and the number remaining in the prison at the close of the year; showing also, the manner in which they have been employed, and also a statement of the number who have died, been pardoned, and discharged. Said last statement is marked A.

As regards the health of the prison, we refer you to the Physician's port, (Exhibit B.)

Upon the subject of the moral and religious improvement in the prisoners, we have good reason to believe that preaching has had a very salutary effect; much credit is due to the ministers of this city and vicinity for their gratuitous services.

The prisoners seem generally disposed to obey the officers and guards, and attend well to their respective duties; the number of offences is small, and the present mode of punishment seems to have a good effect, and appears sufficient to restrain them. Their clothing and bedding amply suffice to make them comfortable; their food has been of a strong and wholesome kind, the cost of which averages $4\frac{7}{8}$ cents per day for each convict; we flatter ourselves, they will compare in appearance with any prisoners confined in a similar institution in the union.

Thirdly. Concerning the monies received and expended.

Exhibit C, hereunto annexed, is the superintendent's account current, which shows the cash receipts to be (from the 28th Nov., 1843, to November 30th, 1844) $16,798 46 and additional earnings for which cash was not received, amounting to $5,591 61. Amount of salaries due last year and paid this year $432 12. Profit and loss account, for loss on manufactured articles made by Superintendent Hart, sold for less than invoice price, $385 90. Superintendent's drafts on the Auditor of Public Accounts, and cancelled from the receipts of the institution by order of the board of inspectors, $3,284 66. Stock on hand as per inventory taken Nov. 30th, 1844, $13,172 74. Cash on hand at same date, $1,561 74, making $41, 227 23. The disbursements during the same period amount to $22,598 42. Stock on hand as per inventory taken Nov. 28th, 1843, $15,021 93. Cash on hand at same date, $2,269 88-100, leaving the nett profits for the fiscal year, ending Nov. 30th, 1844, at $1.337 00.

In the exhibit will also be found, under distinct heads, the manner in which the monies were received and disbursed. We are not able to give the distinct profits of each shop, but shall be able to do so in future.

The legislature passed a resolution requiring a new mode of book-keeping, (which did not go into effect until the commencement of the present fiscal year) by which we shall be able to give the profits or losses of each department of business separately.

The Superintendent reports, that to the best of his knowledge and belief, the institution does not owe one dollar up to the close of the last fiscal year, Nov. 30, 1844. We have a hope that the cash receipts during the present year, from the labor of the convicts, will be sufficient to defray all the expenses of the institution without calling on the state for aid.

The inspectors have been much gratified at the harmonious manner in which the present officers have transacted business together, and their readiness to carry into effect any order which was passed by the board.

The superintendent has shown every disposition to discharge his duty, as a faithful officer to the state.

The assistant keeper is industrious, attentive, and seems to have a peculiar talent for the station which he occupies. His strict attention to the sick convicts, has been highly praisworthy.

The clerk's books are neat, and kept in a plain and correct business like manner; he has discharged his duty both as clerk of the prison, and secretary of the board, to the full satisfaction of the inspectors.

The present guard is composed of men of good and industrious habits, polite and respectful towards their superiors and persons visiting the prison.

In cosclusion, it may be proper to state, that we have not strictly complied with the law. Section 8th of the Penitentiary Code, requires the Inspectors to report to the Governor on the second Monday of December: the 40th section requires the Superintendent to make his report on or before the second Monday in December, which is the same day that the Inspectors are required to report to the Governor; hence it will be seen, that the law requires us to do an impossibility; we have, however, made out our report as early as practicable.

All of which is respectfully submitted.

RICH. P. WINSLOW,
LEWIS L. TAYLOR,
J. C. FOREST. } *Inspectors.*

To R. P. Winslow, L. L. Taylor and J. C. Forest, Inspectors of the Mississippi Penitentia y:

GENTLEMEN: As the law directs, I herewith present to you a comprehensive view of the transactions of this Prison for the last fiscal year, which closed on the 30th day of November, 1844. See document A.

In document marked B, you will find an account of all the manufactured articles on hand; and all the stock and property belonging to this prison.

The number of convicts in this Penitentiary on the 28th day of November, 1843, was 66; received since that time, 33; making in all 99, out of which, 8 have been discharged by expiration of sentence; 3 have been pardoned by the Governor; 2 died, and 2 were sent back by a writ of error from Judge Sharkey, leaving now in confinement 84, which are employed generally as follows, to-wit:

In wheelwright and carpenters shop, including harness makers,	16
In blacksmith shop,	12
In shoemakers shop,	4
Spinning, weaving, warping, &c.,	6
Carding and cleaning wool,	3
Painting and carriage trimming,	5
Cutting wood and getting timber,	4
In brick yard,	13
Driving horses to machine,	1
In grinding corn,	2
In gardening,	1
In cooking,	4
In washing,	2
Sweeping and cleaning prison,	2
Average in solitary confinement,	2
Old and infirm,	2
Average confined by sickness,	5
Whole number confined in prison, Nov., 1844,	84

I respectfully refer you to the clerk's books and all other papers and vouchers in his office, to sustain documents A, and B. You will find them plain and intelligible as well as all other matters connected with office.

The business of this prison has progressed steadily and harmoniously, during the past fiscal year; all the officers have applied themselves diligently and faithfully to the discharge of their respective duties, and so have the guards to the best of their capacities.

This prison labors under serious disadvantages not known to any other prison in the Union, on account of the heavy expense incurred in guarding the walls, for which there seems to be no remedy, except, tearing down and building up new walls. The expense of guarding the walls the past year, including board of guard, &c., amounts to the sum of $1,299.

I have felt myself compelled to keep one convict in solitary confinement during the whole of the past year. I exhausted all my management on him before I adopted this very harsh course. Others also were placed in solitary confinement at different times,

making an avarage of two thus punished, during the whole *of* the past year. As regards the first named, I am satisfied that nothing but the want of the *lash* has produced the necessity of his ever going into solitary confinement. I wish to call your attention particularly to his case, and ask you to have some remedy provided against a too frequent recurrence to the necessity of solitary confinement, which I believe, can only be done by the use of the *lash, properly guarded.*

It is proper for me to remark here, that a large number of the convicts received this year, and particularly this fall, are old, infirm and of broken down constitutions, without trades, and bid fair to become a heavy tax upon this institution. No. 51, who is represented to be 106 years old, is very troublesome to the whole institution, and would be more properly at home in a lunatic asylum. Three others, received this fall, have been confined to the hospital since their reception.

I have now the gratification to inform you, that all the outstanding claims against the institution during my administration, have been paid, and not one dollar on any account remains unpaid to the best of my knowledge; and that there is still in the treasury of the institution, money sufficient to purchase all the needful supplies, so as to enable the institution to continue its operations without again being a *charge to the state.*

Punishments have been very seldom inflicted during the year; the convicts have behaved well with a few exceptions, are industrious and seem much disposed to read and receive moral instruction.

Much praise is due to the clergy of this city and its vicinity, who have kindly volunteered their services to preach to the convicts, since the office of chaplain was abolished.

You will perceive that the whole expense of the penitentiary for provisions during the last year, was $2361 13 entitled to a credit of $101, for provision sold, and $486 10 amount of provisions on hand, leaving for amount consumed $1773 03. There are 84 convicts, 10 guards and an average of six negroes left in prison for safe keeping, making in all 100 persons supported from the above amount of $1773 03, which you will find amounts to $4\frac{7}{8}$ cents per head for each day.

I cannot, in justice to my feelings, close this communication

without an expression of the lasting obligations I feel to the board of inspectors, for their ready co-operation with me in all measures that seemed for the interest of the institution, and their great anxiety to advance its future prosperity; and it will give me pleasure at all times to meet your views and suggestions; and I rely, with a pleasing hope, on your continued advice and aid in the discharge of my arduous duties.

Very respectfully, your ob't serv't,

BENJ. G. WEIR,

Superintendent Mississippi Penitentiary.

SUPERINTENDENT'S OFFICE,
December 6, 1844.

[EXHIBIT B.]

MISSISSIPPI PENITENTIARY,
Jackson, Dec. 10, 1844.

To the Inspectors of the Mississippi State Penitentiary:

GENTLEMEN—In my last annual report, I called the attention of the board to the improved condition of the health of the prisoners growing out of the suggestions which had been made the year before, and carried out the succeeding year.

I feel gratified in stating that the result of the present year renews my confidence in the sanatory measures which were then adopted, and confirms the opinion heretofore expressed of the healthfulness of the location of the prison. The past summer and fall presents a striking example. It is a well known fact that fever has prevailed to an unprecedented extent over a large portion of the upland country of the state, and that to one or two locations a fearful fatality has attended it, yet there has not occurred in this institution a solitary case of fever that did not yield in the treatment in three or four days, so mild has been its character.

The portion of acute forms of disease, independent of fever, has not been as great as last year; in their character they were, with few exceptions, mild and of short duration.

The journal of the medical department exhibits, however, an increase of chronic cases over the last year. This increase, I may observe, has not originated in the penitentiary. More than a third of those admitted in the last year, have brought with them various

chronic diseases, the result of vicious habits, privations and exposure. Indeed, it would appear that the demand for the services of the physician comes in a majority of cases from that class of unfortunates who, having exhausted their means and their constitutions in the indulgence of every species of vice and dissipation, find their way to the penitentiary, regarding it as an asylum where their wants and sufferings may be ministered to, rather than a place of probationary punishment provided by government for the expiation of crimes committed.

There have occurred but two deaths in the prison since the close of the last fiscal year, both, singularly enough, having taken place on the same night, one dying of chronic diarrhœa, the other of apoplexy. The history of the first one may be told in a few words—he came into the prison with a constitution broken down by a complication of diseases of long standing, which, after much suffering and confinement, terminated his existence. Of the other individual, little was known; he had but recently entered the prison and presented the appearance of robust health. He was a man of full habits, sanguine temperament, short neck and large head; had been slightly indisposed the day before his decease, but was able to answer to his number a few hours before his death.

There are at this time in the hospital but two cases of disease, one a case of chronic rheumatism, the other, chronic diarrhœa.

Very respectfully, your ob't serv't,

W. S. LANGLEY.

[EXHIBIT C.]

STATEMENT showing the condition of the Mississippi State Penitentiary, from the 28th day of November, 1843, to the 30th November, 1844, inclusive.

RECEIPTS.

Cash income on account of Blacksmith Shop,			53	67	72
" " " " " Wheelwright and Carpenters Shop,			67	40	76
" " " " " Shoemakers Shop,			14	54	91
" " " " " Tailors Shop,				3	25
" " " " " Weavers and Wool-Carders Shop,			32	82	29
" Received on account of sale of Hogs,			10	10	00
" " for Keeping Runaway Slaves,			20	79	90
" " for Sale of Oxen and Horses,			19	75	50
" " on account of Brickyard, for sale of Bricks,			23	97	13	167	98	46
(Additional earnings for which cash has not been received,)								
This amount for 32 Chains, manufactured for State House, at $1 a piece,			3	2	00			
" " " Iron door, and partition in passage to main building, and grating for prison walls and hauling sand for improving premises,			27	5	90			
" " " Making large table for Governor's office,			3	0	00			
" " " " Flag Staff for Capitol,			2	5	00			
" " " Furnishing lumber and building shed in brickyard,			14	7	48			
" " " Making one propelling wheel and drums for turning-lathes and other improvements,			67	1	10			
" " " Making one large table and book case for Adjutant General's office, and lightning-rods for State Capitol,			9	0	95			
" " " Furnishing and laying 39,079 bricks on Governor's stable,			46	8	92			

"	"	" Cutting and hauling 120 cords wood for prison, $1 50 a cord,	180	00	
"	"	" Board and attention to 2 convicts kept in solitary confinement, 730 days at 40 cents per day,	292	00	
"	"	" Board and attention to 2 old and infirm convicts, for 730 days, at 40 cents per day,	292	00	
"	"	" Board and nursing 5 sick convicts, 1825 days, at 40 cents per day,	730	00	
"	"	" Services of 4 convicts cooking for prison, 1460 days, at 40 cents,	720	00	
"	"	" Services of 2 convicts washing for prison, 730 days, at 50 cents	360	00	
"	"	" Services of 2 convicts sweeping and cleaning, 730 days, at 33 cents,	240	00	
"	"	" Out door and job work on prison and garden,	293	00	
"	"	" Keeping negro boy, Peter, brought from Lawrence county, for trial before the High Court of Errors and Appeals, from Jan. 2 '42, to Nov. 30, '44,	139	60	
"	"	" Convict clothing, shoes, hats, &c., consumed and repaired,	603	66	5591 61
Amount of salaries due last year, paid and charged this year,					432 12
Profit and loss account. For loss on manufactured articles made by Superintendent Hart, and sold less than invoice price,					385 90
Amount of Superintendent's drafts issued upon the Auditor, and taken up and cancelled from the receipt of the Institution by order of Board of Inspectors,					3284 66
Amount of Stock on hand as per Inventory taken November 30th, 1844,					3172 74
"	"	Cash on hand November 30th, 1844,			1561 74
					41227 23

STATEMENT showing the condition of the Mississippi State Penitentiary, from the 28th day of November, 1843, to the 30th November, 1844, inclusive.

DISBURSEMENTS.

Cash paid out on Provision account,		2361 13	
" " " " Clothing account for discharged convicts,		124 50	
" " " " Hospital account for medicines,		72 40	
" " " " Soap, candles and oil accounts,		331 60	
" " " " Freight and hauling accounts,		611 68	
" " " " Furniture and stationary,		29 10	
" " " " Salaries to officers,		4971 77	
" " " " Salaries to the guards,		3979 83	
" " " " Building materials account,		110 87	
" " " " Master-workmen salary acc't,		917 50	
" " " " Blankets and bedding account,		76 50	
" " " " Tools account,		299 04	
" " " " Working materials account,		5761 46	
" " " " Arms and amunition account,		8 21	
" " " " Horses and oxen accounts,		243 00	
" " " " Forage and fuel account,		1284 78	
" " " " Carding machine purchased,		750 00	
" " " " Contingencies account,		664 96	22598 42
Amount of Stock on hand as per inventory, Nov. 28, 1843,			15021 93
" " Cash " " " " Cash account,			2269 88
" " Nett profits from November 28th, 1843, to November 30th, 1844,			1337 00
			41227 23

BENJAMIN G. WEIR, *Superintendent.*

DAVID N. BARROWS, *Clerk.*

Mississippi Penitentiary, Jackson, Dec. 4, 1844.

[EXHIBIT A.]

STATEMENT

SHOWING the number of Convicts Pardoned, Discharged and Dead, During the Year, ending 30th November, 1844, at the Mississippi State Penitentiary.

No.	Names.	Age.	Height.	Description and Particular Marks.	Occupation.	Crimes.	Date of sentence.	Condnmned at what court.	Date of admission.	Expiration of sentence.	Place of birth.	Unexpired term of sentence.	Terms of pardon.	Time of death.
4	Dawson B. Rockhold,	35	5 feet, 10	Black hair and eyes, left arm crippled by gnn shot,	Blacksmith,	Forgery,	2d Feb., 1840,	Adams circuit court,	23d April, 1840,	2d Feb., 1842,	Tennessee,			
11	Elijah McGinnis,	22	6 feet, 1	Dark hazel eyes, black, hair, right big toe cut off,	No trade,	Forgery,	12th April, 1842,	Lowndes circuit court,	21st April, 1842,	12th April, 1844,	Georgia,			
	Archibald Kelly,			- - - - - - - - - -		Manslaughter,	April, 1844,	Smith circuit court,	1st May, 1844,	April, 1851,	South Carolina,		Sent back by writ	
	Archibald Lilly,			- - - - - - - - - -		Manslaughter,	April, 1844,	Smith circuit court,	1st May, 1844,	April, 1851,			of error from	
50	Oliver Hunt,	19	5 feet, 6¼	Blue eyes, dark hair,	No trade,	Larceny,	4th June, 1842,	Adams circuit court,	11th June, 1842,	4th June, 1844,	Maryland,		Judge Sharky,	
49	William P. Crockett,	35	5 feet, 7½	Dark eyes, black hair and scar on the forhead,	Milwright,	Larceny,	2d June, 1844,	Newton circuit court,	9th June, 1842,	2d June, 1844,	Tennessee,			
18	George H. Arnold,	36	5 feet, 8½	Black hair, hazle eyes, lame left leg,	No trade,	Bigamy,	15th Oct., 1841,	Lowndes circuit court,	26th Oct., 1841,	15th Oct., 1844,	North Carolina,			26th June, 1841,
81	Peter Martin,	33	5 feet, 5	Light brown hair; blue eyes,	Sailor,	Larceny,	12th June, 1844,	Warren circuit court,	13th June, 1844,	12th June, 1846,	Denmark,			27th June, 1844,
37	George Cook,	22	5 feet, 4½	Black eyes and hair, scar left side of the head,	Carpenter,	Manslaughter,	28th May, 1841,	Tallahatchie circuit court,	4th June, 1841,	28th May, 1846,	Virginia,	1 year 10 months 21 days,	6th July, 1844,	
33	Meshack Carter,	40	5 feet, 7½	Blue eyes, dark sandy hair,	No trade,	Negro stealing,	28th April, 1843,	Kemper circuit court.	3d May, 1843,	28th April, 1853.	Kentucky,	8 years 8 months 22 days,	6th Aug., 1844,	
8	Bob Lundy,	28	5 feet, 11	Dark copper color,	No trade,	Attempt to rape,	27th Sept., 1839,	Pike circuit court,	11th May, 1840,	27th Sept., 1844,	Mississippi,			
55	Edward Williams,	22	6 feet,	Blue eyes and light hair,	No trade,	Grand Larceny,	21st Oct., 1842,	Scott circuit court,	24th Oct., 1842,	21st Oct., 1844,	South Carolina,	20 days,	1st Oct., 1844,	
5	Daniel Harvel,	29	6 feet, 1½	Brown hair, blue eyes, branded in right hand,	No trade,	Larceny,	16th Oct., 1839,	Carroll circuit court,	29th April, 1840,	16th Oct., 1844,	North Carolina,			
45	Ranzy Vaughn,	20	5 feet, 8½	Hazel eyes, black hair, scar on upper lip,	No trade,	Larceny,	23d April, 1842,	Noxubee circuit court,	27th April, 1842,	23d Oct., 1844,	Tennessee,			
58	Henry Reed,	24	6 feet,	Blue eyes and light hair,	Shoemaker,	Larceny,	13th Nov., 1840,	Smith circuit court,	24th Nov., 1840,	13th Nov., 1844,	New York,			

Respectfully submitted,
BENJAMIN G. WEIR, *Superintendent.*

DAVID N. BARROWS, *Clerk.*
Mississippi Penitentiary, Jackson, December 7th, 1844.

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REPORT.

MISSISSIPPI PENITENTIARY.

CLERK'S OFFICE,
Mississippi Penitentiary, Dec. 8, 1845.

To his Excellency, A. G. BROWN,
Governor of the State of Mississippi.

SIR: I herewith transmit, as directed by the Board of Inspectors, their annual report, together with reports of Superintendent and Physician, and accompanying documents showing in full detail, the operations and condition of this institution, for the fiscal year which closed on the last day of November 1845.

The general account current, and inventory of stock required by law, have this day been deposited in the Auditor's office.

I am, with respect, your ob't serv't,
D. N. BARROWS, *Clerk.*

MISSISSIPPI PENITENTIARY,
Inspectors Office, Dec. 8, 1845.

To his Excellency, A. G. BROWN,
Governor of the State of Mississippi.

Since our appointment as Inspectors of this institution, we have endeavored carefully to guard the interests of the State; and in obedience to the requisitions of law, we beg leave to make the following report in relation to the present condition of the Mississippi Penitentiary:

The cells are cleanly, and in excellent order, and the workshops well adapted to the carrying on of the various branches of business pursued in the prison; the buildings have been kept in good repair and the yard clean.

The report of the Superintendent exhibits the number of convicts received during the past year, and now remaining in the prison, as well as the crimes for which they were sentenced, and every thing of interest relating thereto.

The prisoners are generally obedient; but few offences occur; and the mode of punishment seems to have the desired effect. The prisoners are well clad in the manufactures of the prison, and fed with strong and substantial food.

In relation to the health of the prison, it is only necessary to refer to the report of the Physician; it is appended, and marked B.

The Ministers of the Gospel of various denominations, have been frequent in their attendance at divine worship on the Sabbath, without the expectation of reward; and to their teachings, may be partly attributed the general orderly and submissive disposition of the prisoners to the discipline of the Superintendent and bye-laws of the prison.

The account current herewith annexed and marked "C," makes a full exhibition of the financial condition of the prison; the amount received and expended; the gain and loss of each department of business, and the net gain to the institution, over and above all expenditures.

Owing to the complicated system of book-keeping heretofore practiced, it has been impossible to show the profit and loss of each branch of business pursued in the prison; this system was wisely changed by the last legislature, and a plain and simple one adopted, which exhibits at a glance, the loss and gain of each department.

The prison is entirely free from debt, with a balance in its favor of $5,110 02, and its prospects justify the conclusion, that for the future, instead of being a tax upon the treasury, it will yield a handsome revenue to the State.

We take occasion to express our decided approbation of the very efficient manner in which the present Superintendent has managed the affairs and conducted the operations of the institution.

The assistant keeper has faithfully and promptly dischar-

ged his duty, and his conduct meets the approval of the board.

The Clerk is in every way, competent to the discharge of his duties, which have received his constant attention; his books have been kept correctly, and in a busines manner; and as Secretary of the Board of Inspectors, has given full satisfaction.

The subordinate officers of the prison are men of good habits, are obedient to their superiors and attentive to their duties.

All of which is respectfully submitted.

Signed. RICHARD P. WINSLOW, J. C. FOREST, GEORGE R. FALL, } *Inspectors.*

Attest, D. N. BARROWS, *Secretary.*

[EXHIBIT A.]

MISSISSIPPI PENITENTIARY, *Superintendents Office*, Dec. 5, 1845.

To R. P. WINSLOW, J. C. FOREST and G. R. FALL,
Inspectors of the Mississippi Penitentiary.

GENTLEMEN: I have the honor to submit to you my annual report, ending the 30th day of November. It will be seen by document marked A, that the gain to the institution amounts to $5,110 2-100.

You will find an account of all the manufactured articles, and all the stock and property belonging to the prison, in document marked B.

The whole number of convicts in the prison at the expiration of the fiscal year in 1844, were 84; received since that time, 23, making 107, out of which, 15 have been discharged by expiration of sentence, 2 by writ of error, 5 by executive pardon and 1 by death, leaving now in confinement 84. I consider it proper to remark here, that two of the pardons referred to above, were granted by his Excellency, the Governor, the day before the expiration of sentence, on account of their good behavior during their confinement in prison.

The convicts during the past year have been employed generally as follows:

In blacksmith shop,	12	Driving horses to machine,	1
Wheelwright and harness making,	16	Grinding corn,	3
Shoe shop,	4	Gardening,	1
Spinning, weaving, warping, &c.,	6	Cooking,	3
Carding and cleaning wool,	3	Washing,	2
Painting and carriage trimming,	5	Sweeping and cleaning prison,	2
Brick yard and building cisterns,	19	Old and infirm,	2
	65	Average sick,	5
			19
			65
			84

In document marked C, you will see a statement of the whole number of convicts received in this prison since its commencement, as well as much other information relating thereto, that you may consider useful to the public.

I refer you to the Clerk's books and vouchers in his office to sustain documents A, B, and C. You will find them all plain, comprehensive, neatly kept and correctly balanced.

All the officers under my charge have conducted themselves with fidelity to the trust committed to them, and humanity to the convicts; whilst the latter, with few exceptions, have evinced a quiet, orderly deportment, and have been as cheerful and contented as could be expected under the privation of liberty.

You will perceive by the punishment book, that only 26 punishments have been inflicted during the year, and for the last four months only one; all of which have been of a very mild character.

This prison continues to be afflicted with a number of old and infirm convicts, the most of which were broken down by disease or intemperance, before their reception; one of which, when received, was reported to be 106 years old, is very infirm, and was mentioned in my last annual report as a proper subject for a lunatic assylum, while three others would be more at home in a hospital.

The Rev. Clergy of this city and its vicinity have continued their religious exercises, as usual, in the prison, and I am happy to state, that the attention of the convicts to the word preached is good, and their anxieties for religious exercises, are calculated to inspire me with a hope that the word spoken, has not been "as seed sown by the way side or amongst thorns," but on good ground, and therefore, produced good fruit. Of one thing I am certain, that the religious exercises here, have a tendency to make the observance of discipline on the part of the convicts, comparatively easy, and the necessity of punishment very rare.

I feel, gentlemen, under continued obligations to you, for your instructions and advice during the year, and for your willingness to assist me in all that seemed best for the interest as well as the good of the institution.

Very respectfully, your ob't serv't,

Signed, BENJ. G. WEIR, *Superintendent.*

[EXHIBIT B.]

JACKSON, MISS. Dec. 2, 1845.

To the Board of Inspectors of the Mississippi Penitentiary:

GENTLEMEN: At no time since the establishment of this institution, has the health of the prisoners been better than during the past fall.

In the months of March, April and May, diarrhea and dissentary prevailed to a greater extent than usual, but on comparing the aggregate amount of cases of every description, which have received medical aid, throughout the present with the past year, the result in point of health, is decidedly in favor of this year.

A case of chronic diarrhea terminated fatally a short time after having entered the prison. This is the only death that has occurred in the Penitentiary since my last annual report.

Very respectfully, your ob't serv't,

Signed, WM. S. LANGLEY, *Physician and Surgeon to the Penitentiary.*

STATEMENT Showing the number of Convicts in the Mississippi Penitentiary, November 30, 1845.

Nos.	Names.	Age.	Crimes.	Where Condemned.	Date of Admission.	Expiration of Sentence.	Place of Birth.
1	John Frazier,	20	Horse stealing,	Hinds, C. C.	Oct. 31, 1840	Oct. 27, 1850	N. Carolina,
2	Royal Sparks,	33	Manslaughter,	Lowndes, "	April 18, 1844	April 9, 1848	Virginia,
3	John Greeson,	33	Robbery,	Itawamba, "	" 15, 1840	" 15, 1850	Georgia,
4	Tho's Walton,	40	Arson,	Lowndes, "	" 18, 1844	" 9, 1851	N. Carolina,
6	James Erickson,	29	Larceny,	Wilkinson, "	" 30, 1845	" 21, 1849	Denmark,
7	Seaborn Sanford,	29	Murder,	Noxubee, "	" 26, 1843	" 22, 1853	Georgia,
8	George Armsrong,	40	Larceny,	Harrison, "	" 22, 1845	" 2, 1850	Ire[illegible],
9	Stephen F. Peak,	26	Manslaughter,	Marion, "	" 20, 1844	" 11, 1850	Mi[illegible]ppi,
10	Robert Strong,	30	Negro stealing,	Adams, "	June, 17, 1845	Life,	Ma[illegible]a,
11	John Furguson,	36	Negro stealing,	Holmes, "	Nov. 8, 1844	Nov. 8, 1854	Vern.
12	Charles Covy,	23	Grand larceny,	Lowndes, "	April 21, 1842	April 14, 1846	Georgia,
13	Benj. S. Rheams,	32	Grand larceny,	Adams, "	Dec. 20, 1842	Dec. 17, 1846	Louisiana,
14	James Cottenham,	28	Assault and battery,	Leake, "	Oct. 8, 1842	Oct. 8, 1848	Tennessee,
15	John Ober,	32	Burglary,	Adams, "	June 17, 1845	June 12, 1851	Pennsylvania
16	William Brantley,	23	Manslaughter,	Warren, "	May 27, 1845	May 7, 1852	Alabama,
17	Daniel Boyle,	26	Larceny,	Wilkinson, "	Oct. 21, 1843	Oct. 6, 1847	Ireland,
18	Tho's C. Brooks,	55	Manslaughter,	Itawamba, "	Nov. 6, 1844	Nov. 6, 1851	N. Carolina,
20	Wm. H. Garrett,	22	Negro stealing,	Monroe, "	Nov. 6, 1843	Oct. 27, 1853	New York,
21	George Tyler,	18	Negro stealing,	Hinds, "	Oct. 10, 1840	Oct. 9, 1850	Ohio,
22	*Jas. M. Thomasen, alias John Carroll,	25	Forgery,	Lowndes, "	Oct. 23, 1845	Oct. 23, 1850	Virginia,

23	John B. Wilson,	26	Shooting to kill,	Adams,	"	Dec. 28, 1841	Dec. 11, 1851	Missouri,
24	William Wev,	40	Larceny,	Wilkinson,	"	Nov. 9, 1841	Oct. 21, 1846	Tennessee,
26	Francis D. Talcott,	38	Negro stealing,	Adams,	"	June 9, 1843	June 7, 1855	Massachu's,
27	Geo. W. Reddings,	27	Negro stealing,	Hinds,	"	Oct. 20, 1840	Oct. 15, 1850	N. Carolina,
28	Elijah Dick,	43	Assault to kill his wife,	Monroe,	"	May 15, 1845	May 8, 1852	S. Carolina,
29	John Folly,	28	Bigamy,	Adams,	"	June 11, 1842	June 4, 1847	Ireland,
30	Jas. A. Hall,	32	Assault to kill,	Tippah,	"	Oct. 14, 1845	Oct. 2, 1849	S. Carolina,
31	Lewis E. Gayerre,	34	Negro stealing,	Noxubee,	"	May 7, 1845	April 25, 1855	Louisiana,
32	Henry Maxey,	39	Grand larceny,	Hancock,	"	April 23, 1841	April 8, 1846	Ohio,
33	Isaac Tuney,	31	Rape,	Claiborne,	"	June 24, 1845	June 11, 1865	Kentucky,
34	Geo. W. Lipscomb,	27	Manslaughter,	Lafayette,	"	Dec. 6, 1843	Nov. 28, 1858	Virginia,
35	Hosea McDermit,	19	Larceny,	Monroe,	"	May 15, 1845	May 6, 1850	Georgia,
36	Wm. W. Wilson,	22	Negro stealing,	Pontotoc,	"	May 26, 1841	May 20, 1851	Tennessee,
37	Andrew J. Archer,	31	Grand larceny,	Warren,	"	July 8, 1844	June 22, 1849	Virginia,
38	John Wintermot,	40	Robbery,	Adams,	"	June 30, 1841	June 26, 1851	New York,
39	John Taylor,	42	Horse stealing,	Adams,	"	June 30, 1841	June 26, 1846	N. Carolina,
40	Jas. M. Buttorff,	31	Larceny,	Adams,	"	June 30, 1843	June 7, 1851	Indiana,
41	Jas. J. Saunders,	25	Grand larceny,	Adams,	"	Dec. 28, 1841	Dec. 11, 1845	Virginia,
42	Jacob Crawford,	33	Having forged notes,	Adams,	"	Dec. 28, 1841	Dec. 11, 1847	Kentucky,
43	Jesse Ford,	18	Negro stealing,	Madison,	"	May 28, 1842	May 22, 1852	Mississippi,
44	Mathias Elmore,	30	Manslaughter,	Jasper,	"	Jan. 9, 1842	Jan. 7, 1849	S. Carolina,
45	William Reese,	31	Negro stealing,	Lowndes,	"	Oct. 25, 1844	Oct. 25, 1854	England,
46	John. S. Hopkins,	27	Negro stealing,	Jefferson,	"	May 12, 1842	May 7, 1854	New York,
47	Samuel Henry,	18	Manslaughter,	Madison,	"	May 14, 1842	May 1, 1847	Alabama,
48	Edward H. Cassady,	27	Grand larceny,	Warren,	"	May 18, 1842	May 8, 1847	Pennsylvania
49	Andrew Buill,	62	Burglary,	Adams,	"	June 11, 1844	June 1, 1856	New York,
50	Thomas Perceill,	29	Larceny,	Warren,	"	June 13, 1844	June 78, 1849	Ireland,

STATEMENT Showing the number of Convicts in the Mississippi Penitentiary, Nov. 30, 1845,—Continued.

Nos.	Names.	Age.	Crimes.	Where Condemned.	Date of Admission.	Expiration of Sentence.	Place of Birth.
51	John Harkley,	106	Assault to kill,	Adams, "	June 9, 1843	June 7, 1849	St. Domingo,
52	Benj. Haggany,	33	Larceny,	Adams, "	Dec. 20, 1843	Dec. 16, 1845	Delaware,
53	Robert Clements,	22	Larceny,	Green, "	April 14, 1845	April 14, 1847	S. Carolina,
54	Wm. Hill,	29	Larceny,	Leake, "	Oct. 11, 1845	Oct. 11, 1847	Virginia,
55	John Kooney,	34	Assault to kill,	Warren, "	Dec. 12, 1844	Nov. 23, 1847	Ireland,
56	Frederick Rhodes,	38	Grand larceny,	Tishemingo, "	Oct. 31, 1842	Oct. 12, 1847	Austria,
57	Abijah W. Dunn,	38	Manslaughter,	Madison, "	Mar. 12, 1845	Mar. 12, 1847	Ohio,
	Peter West,	43	Larceny,	Marion, "	April 25, 1845	April 17, 1848	New York,
59	Jim alias Tunnubee,	22	Rape,	Newton, "	June 10, 1845	June 10, 1860	Choc'wnati'n
60	Daniel S. McCoy,	25	Grand larceny,	Jackson, "	April 4, 1843	Mar. 29, 1847	New York,
61	Ernest Sims,	20	Abetting to murder,	Carrol, "	April 24, 1845	April 24, 1847	Mississippi,
62	Wm. Winston,	49	Manslaughter,	Adams, "	June 17, 1845	June 12, 1847	Virginia,
63	Andrew J. Carter,	26	Larceny,	Tishemingo, "	May 2, 1843	April 13, 1846	Virginia,
64	Wm. Owens,	27	Grand larceny,	Tishemingo, "	May 2, 1843	April 13, 1846	Virginia,
65	James Tindal,	27	Perjury,	Kemper, "	May 3, 1843	April 28, 1847	Georgia,
66	James Fannan,	29	Grand larceny,	Warren, "	May 12, 1843	May 4, 1846	England,
67	John F. Teague,	17	Larceny,	Monroe, "	May 15, 1845	May 1, 1849	S. Carolina,
68	N. B. Ramsey,	23	Larceny,	Jasper, "	May 17, 1843	May 13, 1846	Maryland,
69	David A. C. Hyatt,	27	Larceny,	Hinds, "	July 5, 1845	July 3, 1849	Ohio,
70	Adams C. Snyder,	26	Grand larceny,	Adams, "	June 9, 1843	June 7, 1846	New York,
71	Mark Waters,	22	Grand larceny,	Choctaw, "	Sep. 23, 1843	Sept. 25, 1846	Alabama,

72	George Condeia,	17	Larceny,	Hancock,	"	April 11, 1844	April 3, 1846 Pennsylvania
73	Wm. W. Gray,	21	Forgery,	Tippah,	"	April 21, 1844	April 1, 1849 Alabama,
74	Geo. Y. Martin,	18	Grand larceny,	Tishemingo,	"	April 21, 1844	April 10, 1846 Alabama,
75	James Cook,	32	Manslaughter,	Coahoma,	"	April 25, 1844	April 18, 1849 Indiana,
76	Wm. D. Nixon,	34	Manslaughter,	Itawamba,	"	April 27, 1844	April 20, 1854 S. Carolina,
77	J. S. McLaughlin,	23	Larceny,	Lafayette,	"	June 7, 1844	May 27, 1846 New York,
78	Benjamin Flagg,	21	Burglary,	Adams,	"	June 11, 1844	June 6, 1846 Scotland,
79	James Scott,	28	Larceny,	Adams,	"	June 11, 1844	June 6, 1847 Illinois,
80	Geo. W. Edwards,	26	Larceny,	Warren,	"	June 13, 1844	June 11, 1846 Ohio,
81	Weller Miller,	37	Larceny,	Hinds,	"	July 16, 1844	July 15, 1846 Pennsylvania
82	Jno. A. Gardner,	20	Larceny,	Jasper,	"	May 20, 1845	May 27, 1847 Massachu's,
83	Carter Dalton,	53	Reciving stolen goods,	Lowndes,	"	Oct. 25, 1844	Oct. 25, 1846 Virginia,
84	James Adams,	55	Attempt to rape,	Pike,	"	Oct. 31, 1844	Oct. 31, 1849 Illinois,
85	Griffin Jackson,	20	Larceny,	Monroe,	"	Nov. 15, 1844	Nov. 15, 1846 Mississippi,
86	John Smith,	20	Horse stealing,	Lowndes,	"	Oct. 23, 1845	Oct. 23, 1848 Tennessee,
87	Ch's W. Dodson,	23	Larceny,	Carroll,	"	Oct. 24, 1845	Oct. 16, 1847 England,
— 84	*Committed to this prison for the 2nd time.						

Attest, D. N. BARROWS, *Clerk.*

BENJAMIN G. WEIR, *Superintendent.*

STATEMENT Showing the number of Convicts pardoned, discharged, and dead, during the year ending November 30, 1845, at the Mississippi Penitentiary.

NAMES.	AGE.	CRIMES.	WHERE CONDEMNED.	DATE OF ADMISSION.	EXPIRATION OF SENTENCE.	PLACE OF BIRTH.	REMARKS.
Geo. Vaughan,	54	Shooting to kill,	Lowndes, C. C.	Oct. 16, 1844	Oct 25, 1846	S. Carolina,	Sent back by writ of error,
Wm. Phillips,	20	Petty larceny,	Adams, "	Dec. 11, 1842	Dec 17, 1844	Tennessee,	
Benj. Gray,	23	Petty larceny,	Adams, "	" "	" "	Virginia,	
Wm. M. Finney,	36	Petty larceny,	Adams, "	" "	" "	Wash'ton city	
Chas. Wayne,	28	Petty larceny,	Adams, "	" "	" "	New York,	
Virgil A. Randall,	35	Negro stealing,	Jasper, "	Nov 16, 1844	Nov 20, 1854	Mississippi,	do. do.
Michael Landers,	40	Negro stealing,	Jefferson, "	Nov 15, 1844	Nov 15, 1854	Pennsylvania,	Died Mar. 12, 1845.
Jas. Manly,	23	Grand larceny,	Choctaw, "	Mar 21, 1844	Mar 27, 1845	N. Carolina,	
Harrison Simpson,	31	Petty larceny,	Wilkinson, "	Ap'l 12, 1843	April 12, 1845	Indiana,	
Wm. Williams,	28	Grand larceny,	Holmes, "	Ap'l 23, 1843	April 24, 1845	Louisiana,	
Joseph H. Robberts,	25	Assault to kill,	Lowndes, "	Oct 19, 1844	Oct 25, 1846	Alabama,	Pardoned Ap'l 28, 1845.
Jno. Carrol, alias Jas. M. Thomason,	25	Grand larceny,	Warren, "	May 11, 1843	May 5, 1845	Virginia,	
John Tothill,	31	Grand larceny,	Pike, "	May 8, 1841	May 8, 1845	Ireland,	
Wm. H. Helmer,	19	Larceny,	Warren, "	May 22, 1840	May 22, 1845	New York,	
Phillip W. Miller,	23	Burglary,	Claiborne, "	June 9, 1840	June 1, 1845	Ohio,	
J. Gould Murray,	23	Burglary,	Claiborne, "	June 9, 1840	June 1, 1845	Ohio,	
Alex. Babcock,	32	Petty larceny,	Adams, "	June 7, 1843	June 7, 1845	New York,	
John Dyas,	52	Rape,	Pike, "	Oct 20, 1843	Oct 20, 1853	S. Carolina,	do. July 11, 47.
Wm. S. Goodwyne,	28	Manslaughter,	Lowndes, "	Oct 16, 1844	Oct 16, 1851	Alabama,	do. July 17, 47.

Jno. M. Crownritch,	28	Forgery,	Wilkinson,	"	Oct 21, 1841	Oct 21, 1845	Poland,	do. Oct 20, '45
Jas. Eakin,	24	Grand larceny,	Scott,	"	Oct 21, 1842	Oct 24, 1845	Tennessee,	
Gabriel Coley,	21	Grand larceny,	Holmes,	"	Oct 27, 1841	Oct 27, 1845	Georgia,	do. Oct 25, '45
Jas. Tull,	20	Grand larceny,	Warren,	"	Nov 12, 1840	Nov 12, 1840	New York,	

BENJAMIN G. WEIR, *Superintendent*

Attest, D. N. BARROWS, *Clerk*.

GENERAL STATEMENT of the Convicts in the Mississippi Penitentiary, November 30, 1845.

Whole number receeived since first admission April 15, 1840,	159
Whole number in confinement December 1, 1844,	84
Whole number since received,	23
	107
Discharged of this number by expiration of sentence,	15
Discharged of this number by writ of error, from High Court of Errrors and Appeals,	2
Discharged of this number by Executive pardon,	5
Discharged of this number by death,	1
Escaped none.	
	23
Remaining in confinement November 30, 1845,	84

FROM WHAT COURTS RECEIVED.

Adams	County,	18	Lafayette	County,	2
Lowndes,	"	7	Pontotoc,	"	1
Warren,	"	7	Madison,	"	3
Hinds,	"	5	Jasper,	"	3
Itawamba,	"	3	Jefferson,	"	1
Noxubee,	"	2	Tishemingo,	"	4
Marion,	"	2	Jackson,	"	1
Holmes,	"	1	Kemper,	"	1
Leake,	"	2	Choctaw,	"	1
Wilkinson,	"	3	Tippah,	"	2
Monroe,	"	5	Coahoma,	"	1
Hancock,	"	2	Pike,	"	1
Carroll,	"	2	Green,	"	1
Newton,	"	1	Harrison,	"	1
Claiborne,	"	1	Total,		84

TERMS OF SENTENCE.

During life,		1	For 6 years,		4
For 20 years,		1	For 5	"	14
For 15	"	2	For 4	"	11
For 12	"	3	For 3	"	10
For 10	"	14	For 2	"	16
For 8	"	1			
For 7	"	7	Total,		84

GENERAL STATEMENT of the Convicts in the Mississippi Penitentiary, Nov. 30, 1845,—Continued.

CRIMES.

Horse stealing,	3	Negro stealing,	11
Manslaughter,	11	Rape,	2
Robbery,	2	Shooting to kill,	2
Arson,	1	Bigamy,	1
Murder, (Sentence commuted,)	1	Forgery,	2
Grand larceny,	14	Having forged notes in possesion	1
Petty larceny,	22	Burglary,	3
Assault and battery to kill,	3	Perjury,	1
Receiving stolen goods,	1	Assault to kill his wife,	1
Attempt to commit rape,	1	Aiding to commit murder,	1
		Total,	84

PLACE OF NATIVITY.

Vermont,	1	Ohio,	5
Massachusetts,	3	Missouri,	1
New York,	8	Alabama,	5
Pennsylvania,	4	Mississippi,	4
Virginia,	10	Louisiana,	2
Maryland,	1	England,	3
Delaware,	1	Ireland,	5
North Carolina,	5	Scotland,	1
South Carolina,	6	Denmark,	1
Georgia,	5	Austria,	1
Tennessee,	4	St. Domingo,	1
Kentucky,	2	Choctaw nation,	1
Indiana,	2		
Illinois,	2	Total,	84

OCCUPATIONS WHEN COMMITTED.

Blacksmiths,	3	Printers,	2
Wheelwrights,	2	Glass Blower,	1
Cabinet makers,	2	Physician,	1
Shoemakers,	2	Gun smith,	1
Painter,	1	Without trades,	67
Tailor,	1		
Sailor,	1	Total,	84

AGE WHEN COMMITTED.

From 17 to 20 years,	12	From 50 to 60 years,	3
From 20 to 30 "	36	From 60 to 70 "	1
From 30 to 40 "	25	106 "	1
From 40 to 50 "	6	Total,	84

GENERAL STATEMENT of the Convicts in the Mississippi Penitentiary, Nov. 30, 1845,—Concluded.

RELATIONS.

White males,	81	Unmarried,	56
White females none,		Married,	24
Black males,	3	Widowers,	4
Black females none,			
	—	Total,	84
Total,	84		

BENJ. G. WEIR, *Superintendent.*

Attest, D. N. BARROWS, *Clerk.*

***STATEMENT** showing the operations of the Mississippi State Penitentiary from the 1st Dec., 1844, to the 30th Nov., 1845.*

[EXHIBIT C.]

MANUFACTURED ARTICLES.

1844.				*Dr.*	
	Dec. 1st.	To Stock on hand this day,	:	3,709	22
1845.	" "	" Am't charged to this acc't since,		8,600	50
"	" "	" Balance being gain,	: :	872	05
				$13,181	77
1845.				*Cr.*	
	Dec. 1st.	By Amount sold for Cash,	:	7,272	17
	" "	" Stock on hand,	: : :	5,909	60
				$13,181	77

(*STATEMENT—Continued.*)

BLACKSMITH SHOP.

				Dr.
1844.				
	Dec. 1st.	To Stock and Tools on hand,	:	1,917 71
1845.	" "	" " " " since purchased,		2,740 91
"	" "	" Balance being gain,	: :	3,390 61
				$8,049 23

				Cr.
1845.				
	Dec. 1st.	By Amount rec'd and charg'd to date,		6,906 01
	" "	" Stock and Tools on hand,	:	1,143 22
				$8,049 23

WHEELWRIGHT SHOP.

				Dr.
1844.				
	Dec. 1st.	To Stock and Tools on hand,	:	2,882 45
1845.	" "	" " " " since purchased,		3,925 52
"	" "	" Balance being gain,	: :	5,504 04
				$12,312 01

				Cr.
1845.				
	Dec. 1st.	By Am't rec'd and charg'd to date,		10,032 51
	" "	" Stock and Tools on hand,	:	2,279 50
				$12,312 01

SHOEMAKERS SHOP.

				Dr.
1844.				
	Dec. 1st.	To Stock and Tools on hand,	:	215 42
1845.	" "	" " " " since purchased,		587 80
"	" "	" Balance being gain,	: :	477,51
				$1,280 73

				Cr.
1845.				
	Dec. 1st.	By Am't rec'd and charg'd to date,		1,096 68
	" "	" Stock and Tools on hand,	:	184 04
				$1,280 73

(*STATEMENT—Continued.*)

WEAVERS, TAILORS AND WOOL-CARDERS SHOP.

1844.				*Dr.*	
	Dec. 1st.	To Stock and Tools on hand,	:	1,323	60
1845.	" "	" " " " since purchased,		269	05
"	" "	" Balance being gain,	: :	904	89
				$2,497	54

1845.			*Cr.*	
Dec. 1st.	By Am't rec'd and charg'd to date,		1,227	79
" "	" Stock and Tools on hand,	:	1,269	75
			$2,497	54

BRICK YARD.

1844.				*Dr.*	
	Dec. 1st.	To Stock and Tools on hand,	:	713	50
1845.	" "	" " " " since purchased,		344	87
"	" "	" Balance being gain,	: :	3,535	02
				$4,593	39

1845.			*Cr.*	
Dec. 1st.	By Am't rec'd and charg'd to date,		3,847	89
" "	" Stock and Tools on hand,	:	745	50
			$4,593	39

THE STATE OF MISSISSIPPI.

1844.				*Dr.*	
	Dec. 1st.	To Stock Convict Clothing on hand,		22	75
1845.	" "	" Charges to this account to date,		4,971	58
"	" "	" Balance being amount received,		253	42
				$5,247	75

1845.			*Cr.*	
Dec. 1st.	By Am't credited Dft's on the Auditor,		5,229	00
" "	" Stock, Convict Clothing,	:	18	75
			$5,247	75

(*STATEMENT—Continued.*)

FORAGE AND FUEL ACCOUNT.

1844.			*Dr.*
	Dec. 1st.	To Stock on hand, : : :	450 00
1845.	" "	" Purchased up to date, : :	1,030 69
			$1,480 69

1845.			*Cr.*
	Dec. 1st.	By Stock on hand, : : :	400 00
	" "	" Balance being amount consumed,	1,080 69
			$1,480 69

PROVISION ACCOUNT.

1844.			*Dr.*
	Dec. 1st.	To Stock on hand, : : :	486 10
1845.	" "	" Amount since purchased to date,	2,785 24
			$3,271 34

1845.			*Cr.*
	Dec. 1st.	By Amount credited up to date, :	182 40
	" "	" " Stock on hand, : :	485 50
	" "	" Balance being amount consumed,	2,603 44
			$3,271 34

HOSPITAL.

1844.			*Dr.*
	Dec. 1st.	To Stock on hand, : : :	83 24
	" "	" Amount purchased up to date,	85 79
			$169 03

1845.			*Cr.*
	Dec. 1st.	By Stock on hand, : : :	77 75
	" "	" Balance being amount consumed,	91 28
			$169 03

(*STATEMENT—Concluded.*)

RECAPITULATION.

INCOME.

From Profit on Sales Manufactured articles,	: :	872 05
" " in Blacksmith shop,	: : : :	3,390 61
" " " Wheelwright "	: : : :	5,504 04
" " " Shoemakers "	: : : :	477 51
" " " Weavers, Tailors and Carders shop,		904 89
" " " Brick Yard,	: : : : :	3,535 02
" " " Job and out door work,	: : :	1,543 00
" The State of Mississippi,	: : : :	253 42
" Stock and Tools on hand, Dec. 1, 1845,	:	13,931 12
" Cash on hand, Dec. 1, 1845,	: : :	3,359 37
		$33,771 03

EXPENDITURES.

For Forage and Fuel account,	: : : :	1,080 69
" Provision,	: : : : : : :	2,603 44
" Hospital,	: : : : : : :	91 28
" Convicts discharged,	: : : : :	262 00
" Books and Stationery,	: : : : :	73 04
" Contingencies,	: : : : : :	530 73
" Inspectors, (per diem,)	: : : : :	104 00
" Freight and Hauling,	: : : : :	310 65
" Officers Salaries,	: : : : :	4,180 00
" Guards,	: : : : : : :	4,004 00
" Master Workman's Salary,	: : : :	232 50
" Oil and Lights	: : : : : :	454 20
" Stock and Tools on hand, Dec. 1, 1844,	:	13,172 74
" Cash on hand, Dec. 1, 1844,	: : :	1,561 74
" Balance being nett gain,	: : : :	5,110 02
		$33,771 03

1845. Dec. 1st. To Balance nett gain last year, : $5,110 02

E. & O. E.

BENJAMIN G. WEIR, *Superintendent.*

Attest, DAVID N. BARROWS, *Clerk.*

Which was read.

On motion of Mr. Wall,

Said message was laid on the table.

Mr. Durr moved to print 3000 copies of said message,

Which was lost.

Mr Briscoe moved to print 2500 copies,

Which was lost.

Mr. Adams moved to print 2000 copies;

And the question being taken thereon,

It was decided in the affirmative.

The following message was received from the house of representatives, through their clerk, Mr. Montgomery, to-wit:

Mr. President—I am instructed to inform the senate that the house of representatives have adopted the following joint resolution:

Resolved, That a joint select committee of —— on the part of the senate, and five on the part of the house, be appointed to enquire into the expediency and propriety of reducing the price of the public printing, and report, by bill or otherwise, as soon as practicable; and have appointed, on the part of the house, Messrs. Connell, Totten, Smiley, McNabb, and Emanuel;

In which I am instructed to desire the concurrence of the senate.

On motion of Mr. Matthews,

The resolution from the house in relation to the reduction of the price of public printing, was concurred in,

And the blank in said resolution filled with the number of three.

Messrs. Matthews, Horne and Lansdale were appointed said committee.

Mr. Horne offered the following resolution, to-wit:

Resolved, That (with the concurrence of the house) the two houses convene in the representative hall on Thursday, 8th inst., at 12 o'clock, m., in order that the returns of election for Governor of the state at the late November election, may be opened and published,

Which was read, and the rule dispensed with, and said resolution adopted forthwith.

Mr. Matthews offered the following res olution, to-wit:

Resolved, That a committee of three be appointed to select such

documents, accompanying the Governor's message, as should be printed for the use of the senate;

Which was read and adopted.

Messrs. Matthews, Turner and Lipscomb were appointed said committee.

On motion of Mr. Miles,

The senate adjourned.

WEDNESDAY, January 7, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

The president announced the appointment of the following standing committees, to-wit:

On the Judiciary—Messrs. Guion. Dabney, Miles, Fox and Price.

On Finance—Messrs. Matthews, Lipscomb, Tillman, Metcalf and Williams.

On Claims—Messrs. Boone, Miles and Horne.

On Accounts—Messrs. Adams, Wall, Hicks, Lansdale and Durr.

On Education—Messrs. Acker, Turner, Stewart, Dabney, and Lipscomb.

On Banks and Currency—Messrs. Briscoe, Turner, Labauve, Tillman and Booth.

On Internal Improvement—Messrs. Guion, Adams, Lumpkin, Ramsay and Dupree.

On Propositions and Grievances—Messrs. Durr, Dupree and Fox.

On the Seminary Fund—Messrs. Lipscomb, Pegues, Metcalf, Horne and Miles.

On Public Buildings—Messrs. Fox, Stewart and Johnson.

On Engrossed Bills—Messrs. Labauve, Johnson and Lansdale.

On Enrolled Bills—Messrs. Price, Nicholson and Williams.

On Elections—Messrs. Acker, Ramsay and Dupree.

Mr. Briscoe presented the memorial of the trustees of Oakland college,

Which was read.

On motion of Mr. Briscoe,

Said memorial was referred to a select committee of nine.

Messrs. Briscoe, Stewart, Turner, Horne, Price, Guion, Tillman, Wall and Metcalf were appointed said committee.

Mr. Acker presented the petition of Charles Anderson;

Which was read; and,

On his motion,

Referred to a select committee of three.

Messrs. Acker, Price and Beene were appointed said committee.

Mr. Matthews, chairman of a select committee, made the following report, to-wit:

Mr. President—The select committee to whom were referred the documents accompanying the Governor's message have selected those herewith submitted, for publication; which,

On motion of Mr. Durr,

Was received.

Mr. Lansdale moved to lay said report and documents on the table;

Which was lost; and,

On motion of Mr. Matthews,

Said documents were ordered to be printed with the Governor's message.

Mr. Adams offered the following resolution, to-wit:

Resolved, (the house of representatives concurring,) That the two houses meet in the hall of the house of representatives at 11 o'clock, a. m., on Friday next, to proceed to the election of a senator in the congress of the United States, to fill the vacancy occasioned by the resignation of Mr. Walker, and also a senator for the regular term of six years;

Which was read.

Mr. Adams moved to suspend the rule,

Which requires joint resolutions to lie over one day;

And the question being taken thereon;

It was decided in the affirmative.

Mr. Boone offered the following amendment, to-wit:

Strike out 'Friday,' in said resolution, and in lieu thereof, insert 'Tuesday';

And the question being taken thereon;

It was lost.

Mr. Labauve moved to insert Monday in lieu of Friday;

And the question being taken thereon;

It was lost.

The question was then had upon striking out;

And decided in the affirmative.

On motion of Mr. Labauve,

Ordered, That Friday be struck out, and in lieu thereof, Saturday inserted;

And thereupon the question was had upon the passage of said resolution as amended,

And decided in the affirmative.

Mr. Miles asked and obtained leave to introduce a bill, to be entitled an act to amend an act entitled an act to amend the several acts of limitations, approved the 24th of February, 1844;

Which was read the first time.

On motion,

The constitutional rule was dispensed with;

And said bill read the second time by title.

On motion of Mr. Miles,

Said bill was referred to the judiciary committee.

Mr. Briscoe asked and obtained leave to the introduction of a bill to be entitled, an act to amend the constitution of the state of Mississippi;

Which was read the first time.

On motion,

The constitutional rule was dispensed with,

And said bill read the second time by title.

On the fnrther motion of Mr. Briscoe,

Said bill was referred to the committee on banks and currency.

Mr. Nicholson asked and obtained leave to the introduction of a bill to be entitled, an act to authorize the Judge of the probate court of Pike county to hold the terms of his court in the clerks office of said court;

Which was read the first time.

On motion of Mr. Wall,

The constitutional rule was dispensed with,

And said bill read the second time by title.

Mr. Lipscomb asked and obtained leave to the introduction of a

bill to be entitled, an act for the benefit of married women living on sixteenth sections;

Which was read the first time.

On motion,

The constitutional rule was dispensed with,

And said bill read the second time.

On motion of Mr. Matthews,

Said bill was referred to the committee on the judiciary.

On motion of Mr. Boone,

The senate took a recess for ten minutes.

The recess having expired,

The senate met.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

MR. PRESIDENT—I am requested to inform the senate that the house of representatives, in pursuance of the joint resolution of the two houses, are now ready to receive the senate for the purpose of going into the election of a sergeant-at-arms, and a keeper of the capitol; and have also concurred in the resolution from the senate, fixing 11 o'clock, a. m., on Saturday next for the meeting of the two houses for the election of a senator in the congress of the United States;

Which was read;

And thereupon the senate forthwith proceeded to the hall of the house of representatives and took the seats assigned them in the hall of the house.

The presieent of the senate announced the object of the maeting.

Mr. Boone moved to conduct said election *viva voce*;

Which was lost.

On motion of Mr. Gilleland, of the house,

The joint meeting proceeded to the election of sergeant-at-arms.

Messrs. Dupree, of the senate, and Malone, of the house, were appointed tellers to conduct said election.

Mr. Ramsay, of the senate, nominated Mr. Carpenter, of Perry county, for sergeant-at-arms.

Mr. Dupree, of the senate, nominated Mr. Towns, of Hinds county.

Mr. Tillman, of the senate, nominated Mr. Leech, of Copiah county.

Mr. Greaves, of the house, nominated Mr. McMackin.

The secretary of the senate, and the clerk of the house of representatives, proceeded to call their respective rolls; when,

Upon the first ballot,

Mr. McMackin	received	49	votes,
" Leech	"	44	"
" Carpenter	"	6	"
" Towns	"	27	"
" McMichiel	"	1	"
" Blank	"	1	"

Neither of the candidates voted for, having received a majority of the votes, the president thereupon, announced the result, and a further balloting was ordered.

The secretary of the senate, and the clerk of the house of representatives, proceeded to call their respective rolls; when,

Upon the second ballot,

Mr. Leech	received	60	votes,
" McMackin	"	50	"
" Towns	"	18	"

Neither of the gentlemen voted for, having received a majority of the votes, the president announced the result, and further balloting was ordered; when,

Upon the third ballot,

Mr. Leech	received	72	votes,
" McMackin	"	52	"
" Towns	"	4	"

Mr. Leech having received a majority of the votes given, the president announced that Mr. Leech was duly and constitutionally elected sergeant-at-arms for the term prescribed by law.

Mr. Leech appeared and took the oath prescribed by the constitution.

On motion of Mr. Metcalf, of the house,

The joint meeting proceeded to the electton of a keeper of the capitol.

On motion of Mr. Briscoe, of the senate,

Said election was conducted *viva voce.*

The same tellers were appointed to conduct said election.

Mr. McNabb, of the house, nominated George M. Jones for keeper of the capitol.

Mr. Beene, of the senate, nominated Mr. Shannon for keeper of the capital.

Mr. Matthews, of the senate, nominated Mr. Jno. F. Dismukes for keeper of the capitol.

Mr. Rossman, of the house, nominated Mr. James M. Lewis for keeper of the capital.

Mr. Singleton, of the house, nominated Mr. Conn for keeper of the capitol.

Mr. York, of the house, nomninated Mr. Kitrell for keeper of the capital.

The secretary of the senate, and clerk of the house of representatives, proceeded to call their respective rolls; when,

Upon the first ballott,

Mr.	Quinn	received	1 vote,
"	Jones	"	5 "
"	Shannon	"	19 "
"	Dismukes	"	14 "
"	Lewis	"	39 "
"	Craven	"	12 "
"	Conn	"	29 "
"	Kitrell	"	2 "

Neither of the gentlemen voted for, having received a majority of the votes, the president announced the result, and a second balloting was ordered.

The secretary of the senate, and the clerk of the house of representatives, proceeded to call their respective rolls; when,

Upon the second ballot, the vote stood as follows, viz:

Mr.	Quinn	received	1 vote,
"	Shannon	"	21 "
"	Dismukes	"	1 "
"	Lewis	"	60 "
"	Craven	"	5 "
"	Conn	"	37 "

Neither of the gentlemen voted for, having received a majority of the votes, the president announced the result, and a further balloting was ordered.

The secretary of the senate, and the clerk of the house, proceeded to call their respective rolls; when,

Upon the third ballot,

Mr. Lewis received 84 votes,
" Conn " 23 "
" Shannon " 15 "

Mr. Lewis having received a majority of the votes given, for keeper of the capitol, the president thereupon announced that Mr. James M. Lewis was duly and constitutionally elected keeper of the capitol, for the term prescribed by law.

The joint meeting having accomplished the object of the assemblage, the senate withdrew to their chamber.

On motion of Mr. Adams,

The senate adjourned.

THURSDAY, JANUARY 8, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

The chair announced the appointment of the following standing committee on the penitentiary, to-wit:

Messrs. Beene, Dupree and Adams.

Mr. Price presented the claim of Samuel W. Pryor, sheriff of Tippah county; which,

On his motion,

Was referred to the committee on claims.

Mr. Durr presented the claim of H. R. Wilson, M. D.; which,

On motion,

Was referred to the committee on claims.

Mr. Price presented the petition of sundry citizens of the county of Tippah, in relation to the collection of taxes; which,

On his motion,

Was referred to a select committee of five.

Messrs. Price, Dabney, Fox, Wall and Metcalf were appointed said committee.

Mr. Adams offered the following resolution, to-wit:

Resolved, (the house of representatives concurring,) That a joint select committee of seven be appointed on the part of the

senate, and ——— on the part of the house of representatives, whose duty it shall be to report a bill apportioning the number of senators and representatives in the legislature, at the next biennial and future sesssions thereof;

Which was read the first time.

On motion of Mr. Wall,

The constitutional rule was dispensed with;

And said resolution read the second time forthwith.

On motion of Mr. Wall,

Said resolution was laid on the table.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

Mr. President—I am requested to inform the senate that the following joint standing cammittees have been appointed on the part of the house, viz:

On Claims—Messrs. Huie, Potts, Smith of Washington, and Millsaps.

On Accounts—Messrs. Cannon, Sharkey, Hyneman, Ewing and Rushing.

On Enrolled Bills—Messrs. Sessions, Walker, White, Adams and Simmons;

And have added the name of Mr. Adams to the committee on claims.

A bill to be entitled an act to authorize the Judge of the probate court of Pike county to hold the terms of his court in the clerks office of said court,

Was considered as engrossed;

And read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

Mr. Dabney asked and obtained leave to the introduction of a bill to be entitled an act to change the time of holding the circuit courts in the fifth judicial district in this state;

Which was read the first time.

On motion of Mr. Dabney,

The constitutional rule was dispensed with,

And said bill read the second time by title.

On motion of Mr. Dabney,

Said bill was referred to a select committee of one from each judicial district.

Mr. Acker, from a select committee, reported a bill to be entitled an act for the relief of Charles Anderson of Pontotoc county;

Which was read the first time:

On motion of Mr. Acker;

The constitutional rule was dispensed with,

And said bill read the second time by title; and,

On the further motion of Mr. Acker,

Said bill was considered as engrossed; and,

The constitutional rule dispensed with,

And read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

On motion of Mr. Boone,

The senate resolved itself into committee of the whole on the Governor's message;

And after some time spent therein, the committee rose; and,

Mr. Fox reported sundry resolutions.

On motion of Mr. Boone,

The resolutions adopted in committee of the whole were ordered to be read in order.

On motion of Mr. Matthews,

The senate concurred with resolution No. 1; which is as follows, to-wit:

Resolved, That that part of the Governor's message which refers to the eastern rail road be referred to the standing committee on internal improvement.

Resolution No. 2, adopted in committee of the whole, is as follows, to-wit:

Resolved, That so much of the Governor's message as relates to the planters bank bonds be referred to the committee on banks and currency.

Mr. Labauve offered the following amendment thereto, to-wit:

That the subject, in said resolution mentioned, be referred to the judiciary committee.

Mr. Boone offered the following amendment as a substitute for the amendment of Mr. Labauve, viz:

Strike out judiciary committee in said amendment, and in lieu thereof, insert 'committee on finance;'

And thereupon the question was had upon the amendment of Mr. Labauve;

Which was lost.

On motion of Mr. Matthews,

The further consideration of said resolutions were postponed.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, viz:

Mr. President—I am requested by the house of representatives to inform the senate that they have concurred in the resolution from the senate fixing on Thursday, the 8th January, at 12 o'clock, m., for the convening of the two houses, to publish the vote for Governor.

On motion of Mr. Adams,

The senate took a recess for five minutes.

The recess having expired,

The senate met.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, viz:

Mr. President—I am requested by the house to inform the senate that the house is now ready to receive the senate for the purpose of publishing the vote for Governor of the state.

And thereupon the senate forthwith proceeded to the hall of the house of representatives, and took the seats assigned them in the hall of the house.

The president of the senate having announced the object of the meeting,

Mr. Whitfield, speaker of the house of representatives, proeeeded to call the returns of the Governor's election as follows, to-wit:

Counties.	Brown,	Coopwood,	Davis,
Adams,	419	559	
Amite,	353	402	
Attala,	589	248	
Bolivar,	77	50	
Choctaw,	679	376	25
Chickasaw,	848	204	
Covington,	295	17	
Copiah,	709	287	
Clark,	458	12	
Claiborne,	449	342	
Carroll,	755	670	

Counties.	Brown,	Coopwood,	Davis.
Coahoma,	174		
DeSoto,	758	649	
Franklin,	231	213	
Greene,	172	45	
Harrison,	239	42	
Hancock,	236	51	
Hinds,	952	883	
Holmes,	529	509	
Itawamba,	894	274	
Issaquena,	69	77	6
Jefferson,	316	392	
Jones,	157	71	
Jackson,	290		
Jasper,	427	176	
Kemper,	641	272	
Lawrence,	630	48	
Lowndes,	834	44	
Leake,	277	160	
Lauderdale,	735	261	
Lafayette,	716	492	
Madison,	466	1	566
Marshall,	1290	718	
Marion,	242	41	
Monroe,	963,	366	
Noxubee,	615	379	
Newton,	352	102	
Neshoba,	229	132	
Oktibbeha,	389	92	
Pontotoc,	807	112	
Ponola,	426	393	
Pike,	445	196	
Perry,	98	117	
Rankin,	417	184	
Smith,	289	81	
Scott,	294	74	
Simpson,	334	125	
Sunflower,	58	26	11
Tunica,	24	31	

Counties.	Brown,	Coopwood,	Davis.
Tishemingo,	1209	185	
Tippah,	1285	101	
Tallahatchie,	251	106	86
Winston,	542	226	
Washington,	89	128	
Warren,	491	771	
Wilkinson,	329	477	
Wayne,	87	58	
Yazoo,	541		455
Yallabusha,	940		484
	28,310	12,852	1,633
Scattering,			464

A. G. Brown having received a majority of the votes given, the speaker of the house of representatives announced that A G Brown was duly and constitutionally elected Governor of the State of Mississippi for the term prescribed by the constitution.

The joint meeting having accomplished the object of their assemblage, the senate withdrew to their chamber.

On motion of Mr. Adams,

The senate adjourned.

FRIDAY, January 9, 1846.

The Senate met pursuant to adjournment.

The journal of yesterday was read.

The chair announced the appointment of the following select committee, on the bill to be entitled "An act to change the time of holding the circuit courts in the fifth judicial district in this state," to-wit:

Messrs. Dabney, Stewart, Tillman, Guion, Adams, Booth and Price.

Mr. Dupree presented the petition of Thos. F. Collins; which,

On his motion,

Was referred to a select committee of three.

Messrs. Dupree, Wall and Johnson, were appointed said committee.

Mr. Matthews presented the claim of H. S. Adams, sheriff of Tunica county; which,

On his motion,

Was referred to the committee on claims.

Mr. Boone presented the claim of A. J. Jones; which,

On his motion,

Was referred to the committee on claims.

Mr. Acker presented the petition of Isaac Chrisman; which,

On his motion,

Was referred to the committee on propositions and grievances.

Mr. Lipscomb presented the petition of the citizens of the town Columbus; which,

On his motion,

Was referred to a select committee of three.

Messrs. Lipscomb, Metcalf and Dabney, were appointed said committee.

Mr. Williams, from a select committee, reported a bill to be entitled an act to prescribe the time of holding the Probate Courts in the counties of Chickasaw, Monroe and Tishemingo;

Which was read the first time.

On motion of Mr. Williams,

The constitutional rule was dispensed with, and the bill read the second time.

Mr. Dabney offered the following amendment, to-wit:

"Amend by inserting Noxubee after Tishemingo, in said bill;"

And the question being taken on the adoption of said amendment,

It was decided in the affirmative.

And thereupon the question was had upon the engrossment of said bill as amended,

Which was decided in the affirmative.

The following report was received from the Secretary of State, to-wit:

OFFICE OF SECRETARY OF STATE,
Jackson, Miss., 5th January, 1846.

SIR—In conformity with the act of the Legislature, approved February 24th, 1844, I have the honor to report to that branch of the Legislature over whose deliberations you preside, that the Secretary of State caused the said act proposing an amendment of

the constitution relative to the introduction of slaves into this State, to be published before the late election, according to law, and the returns from the several counties, now on file in this department, show an aggregate vote of 25,127, in favor of the amendment, and 3,658 against it.

But few counties have furnished the whole number of votes given in each for members of the Legislature. The following have made the annexed returns:

The whole number of votes given for members of the Legislature in the county of Amite, : : : : : 724
" " " Clarke, : : : : 501
" " " Jefferson, : : : : : 606
" " " Leake, : : : : : 424
" " " Marion, : : : : : 252
" " " Newton, : : : : 441
" " " Perry, : : : : : 203
" " " Tippah, : : : : 1911
" " " Tishemingo, : : : : 1580
" " " Wilkinson, : : : : 827
A partial return from Carroll of : : : 636

The returns from Lafayette, shows that the whole vote cast was 1,245, but that 76 were not given for members of the Legislature.

The returns from Marshall, certify the whole vote at 2,159, but that the number given for members of the Legislature, are 2,080.

The returns from Washington exhibit the total vote given in the county, at 224; but no definite number for members of the Legislature, except the votes reported to have been received by each candidate.

The returns from Winston, report the whole vote polled in the county, to be 787, but that 26 were not cast for members of the Legislature. Most of the other counties specified the number of votes given for each candidate.

In further obedience to a resolution of the same Legislature, the resolution, as required, was published, proposing an alteration of the constitution concerning the mode of electing certain officers therein specified; and by the returns on file in this office, it appears that 18,140 votes, were given in favor of the change contemplated; and that 8,148, were given against it.

Respectfully submitted by, sir, your ob't serv't,

W. HEMINGWAY.

Hon: the President of the Senate.

Which was read; and,

On motion of Mr. Matthews,

Referred to the judiciary committee.

The following message was received fron the House of Representatives, through their clerk, Mr. Montgomery, viz:

Mr. President—I am instructed to inform the Senate, that the House have passed the following resolution, viz:

Resolved, (with the concurrence of the Senate,) that a joint select committee of five, on the part of the House, and ——— on the part of the Senate, be appointed to wait on his Excellency, A. G. Brown, the governor elect, and inform him that he is duly and constitutionally elected governor of the State of Mississippi, for the term of two years, from the 10th day of this instant, and ask him at what time it would suit him to be inaugurated;

And have appointed, on the part of the House, Messrs. Cushman, Greaves, Simrall, Brooks and Thompson;

To which I am requested to desire the concurrence of the Senate;

Which was read; and,

On motion of Mr. Wall,

The Senate concurred in said resolution, and filled the blank with the number three.

Messrs. Horne, Wall and Boone, were appointed said committee.

Mr. Price presented the memorial of the members of the bar in the county of Marshall; which,

On his motion,

Was referred to the select committee of one from each judicial district.

Mr. Miles asked and obtained leave to the introduction of a bill to be entitled,

An act for the relief of John H. Rollins;

Which was read the first time.

On motion of Mr. Miles,

The constitutional rule was dispensed with, and the said bill read the second time by title; and,

On the further motion of Mr. Miles,

Said bill was referred to the committee on claims.

Mr. Turner offered the following resolution, to-wit:

Resolved, That the committee on claims be instructed to inquire into the expediency of refunding to the Hon. W. L. Sharkey, the amount of forfeiture incurred by absence from the State in 1845, and if found to be entitled to relief, that they report by bill or otherwise;

Which was read and adopted.

The Senate proceeded to the consideration of the resolutions on the Governors message, postponed on yesterday.

The question was first had on the amendment of Mr. Boone, which proposed to refer so much of the Governor's message as relates to the Planters Bank bonds, to the committee on finance,

And decided in the affirmative.

Resolution No. 3, is as follows, to-wit:

Resolved, That so much of the Governor's message as relates to the subjects of the *quo warranto* and banks, be referred to the committee on banks and currency.

The question being taken on the adoption thereof,

It was decided in the affirmative.

Resolution No. 4, is as follows, to-wit:

Resolved, That so much of the Governor's message as relates to the levee, be referred to the committee on internal improvement;

And the question being taken on the adoption thereof,

It was decided in the affirmative.

Resolution No. 6, is as follows, to-wit:

Resolved, That that portion of the Governor's message which recommends that one of the niches in the rotunda of the capitol be filled with a marble statue, in honor of the memory of General Jackson, be referred to a select committee of five;

Which was read and adopted.

Messrs. Adams, Fox, Turner, Ramsay and Boone, were appointed said committee.

Resolution No. 7, is as follows, to-wit:

Resolved, That so much of the Governor's message as relates to the State Seminary, be referred to the committee on education.

Mr. Pegues offered the following amendment thereto, viz:

Amend by inserting seminary fund instead of education;

And the question being taken on the amendment,

It was decided in the affirmative.

And thereupon the question was had on the adoption of said resolution as amended,

And decided in the affirmative.

Resolution No. 5, is as follows, viz:

Resolved, That that part of the Governor's message relating to the 500,000 acres of land, be referred to a joint select committee of both Houses, consisting of five members on the part of the Senate, and ——— on the part of the House.

Mr. Lumpkin offered the following amendment, to-wit:

Amend by inserting the committee on internal improvement, instead of a select committee;

And the question being taken on the amendment,

It was lost.

And thereupon the question was had on the adoption of said resolution,

And decided in the affirmative.

Messrs. Boone, Lipscomb, Lansdale, Stewart and Horne, were appointed said committee.

Resolution No. 8, is as follows, to-wit:

Resolved, That so much of the Governor's message relative to education, be referred to a committee on education;

And the question being had on the adoption thereof,

It was decided in the affirmative.

Resolution No. 9, is as follows, viz:

Resolved, That that part of the Governor's message relating to the Chickasaw school lands, be referred to a joint select committee of both houses, chosen from the Chickasaw session, consisting of five on the part of the senate, and ——— on the part of the house;

And the question being had on the adoption thereof,

It was decided in the affirmative.

Messrs. Boone, Williams, Beene, Matthews and Price, were appointed said committee.

Resolution No. 10, is as follows, viz:

Resolved. That so much of the Governor's message as relates to the establishment of a lunatic asylum, be referred to a select committee of five;

The question being had on the adoption thereof,

It was decided in the affirmative.

Resolution No. 11, is as follows, viz :

Resolved, That that portion of the Governor's message which relates to the penitentiary, be referred to the penitentiary committee;

Which was read and adopted.

Resolution No. 12, is as follows, viz :

Resolved, That so much of the Governor's message as relates to the finances of the state, be referred to the committee on finance

Which was read and adopted.

Resolution No. 13, is as follows, viz :

Resolved, That that portion of the Governor's message which relates to the militia and state arms, be referred to a joint select committee, composed of three on the part of the senate, and —— on the part of the house ;

Which was read and adopted.

Messrs. Williams, Fox and Briscoe, were appointed said committee.

Resolution No. 14, is as follows, viz :

Resolved, That so much of the Governor's message as refers to the contingent fund of the executive department, be referred to the committee on finance;

Which was read and adopted.

Resolution No. 15, is as follows, viz :

Resolved, That so much of the Governor's message as relates to the changing of the circuit court practice in criminal business, be referred to the committee on the judiciary;

Which was read and adopted.

Resolution No. 16, is as follows, viz :

Resolved, That so much of the Governor's message as relates to the amendments to the constitution, submitted to the people at the November election, 1845, be referred to the judiciary committee;

Which whs read and adopted.

Mr. Adams, on his motion,

Was excused from serving on the standing committee on the penitentiary.

On motion of Mr. Adams,

Mr. Matthews was added to the standing committee on the penitentiary.

On motion of Mr. Williams,

The constitutional rule was suspended, and a bill to be entitled, an act to prescribe the time of holding the probate courts in the counties of Chickasaw, Monroe and Tishemingo,

Was read the third time and passed,

Ordered, That the title thereof be as stated.

Mr. Adams called from the table, a resolution in relation to the apportionment of senators and representatives in the legislature, at the next biennial and future sessions.

Mr. Horne moved to strike out the number seven in said resolution;

Which was lost.

Mr. Turner offered the following amendment, viz:

That so much of the Governor's message as relates to the census and apportionment of representatives, be referred to a joint committee of the two houses, to consist of seven members on the part of the senate, and ——— members on the part of the house of representatives;

Which was accepted by Mr. Adams, and read and adopted.

Messrs. Adams, Lipscomb, Guion, Matthews, Williams, Nicholson and Stewart, were appointed said committee.

Mr. Lansdale asked, and obtained leave, to the introduction of a bill to be entitled,

An act to divide the State of Mississippi into four congressional districts;

Which was read the first time.

On motion,

The constitutional rule was dispensed with, and said bill read the second time by title.

On the further motion of Mr. Lansdale,

Said bill was referred to a joint select committee of five on the part of the senate, and ——— on the part of the house of representatives.

Messrs. Lansdale, Acker, Miles, Durr and Labauve, were appointed said committee.

Mr. Miles asked, and obtained leave, to the introduction of a bill, to be entitled,

An act to legalize the special term of the circuit court of the county of Madison, ordered for the first Monday of February, 1846.

Which was read the first time.

On motion of Mr. Miles,

The constitutional rule was dispensed with, and said bill read the second time by title.

And on further motion of Mr. Miles,

Said bill was considered as engrossed, and the constitutional rule dispensed with; and said bill read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

Mr. Turner offered the following resolution, viz:

Resolved, That the clergymen resident in and near the city of Jackson, be requested to attend, and officiate, alternately, as chaplains of the senate, each morning, immediately before the commencement of our daily sessions;

Which was read, and,

On motion of Mr. Adams,

Laid on the table.

Mr. Horne, from a select committee, made the following report, viz:

Mr. President—The joint select committee, appointed to wait upon his excellency, A. G. Brown, and inform him that he was duly and constitutionally elected Governor of the State of Mississippi, and that the two houses were ready to proceed to his instalment, at such time as would suit his convenience, have performed that duty, and report, that they were informed by the Governor elect, that it would suit his convenience to attend the two houses on to-morrow at 11 o'clock, A. M., for the above mentioned purposes,

Which was read, and,

On motion of Mr. Adams,

Received and agreed to.

Mr. Adams offered the following resolution, viz:

Resolved, (the house of representatives concurring,) That a committee of three be appointed on the part of the senate, and ——— on the part of the house of representatives, to make suitable arrangements for the inauguration of his Excellency, the Governor, on to-morrow, at 11 o'clock, A. M.

Which was read and adopted.

Messrs. Adams, Lumpkin and Williams, were appointed said committee.

On motion of Mr. Dupree,

The senate adjourned.

SATURDAY, JANUARY 10, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

The president announced the appointment of the following committee, on resolution number ten, on the Governor's message, in relation to a lunatic asylum, adopted on yesterday by the Senate, to-wit:

Messrs. Adams, Stewart, Wall, Lumpkin and Labauve.

Mr. William B. Wilbourn, senator elect from the county of Yalobusha, appeared, produced his credentials, and took the oath prescribed in the constitution, and took his seat in the senate chamber.

Mr. Acker presented the petition of the citizens of the counties of Chickasaw, Octibbeha, Lowndes and Monroe; which,

On his motion,

Was referred to the committee on internal improvement.

Mr. Acker asked, and obtained leave, to the introduction of a bill, to be entitled,

An act to amend an act entitled an act to regulate the mode of obtaining license to sell vinous and spirituous liquors, and to amend an act entitled an act for the suppression of tippling houses, and to prevent the odious vice of drunkenness, approved February 22d, 1844;

Which was read the first time.

On motion of Mr. Labauve,

The constitutional rule was dispensed with, and said bill read the second time.

On motion of Mr. Adams,

The engrossment of said bill was postponed till to-morrow.

Mr. Matthews, from a select committee, reported to the senate the report of the auditor of public accounts, together with a bill, to be entitled,

An act, to reduce the price of the public printing;

Which was read the first time.

On motion,

The constitutional rule was dispensed with, and said bill was read the second time; and,

On the further motion of Mr. Matthews,

Said bill was committed to the whole house, and made the order of the day for to-morrow, 11 o'clock, A. M.

Mr. Adams, from a select committee, made the following report, to-wit:

The committee appointed to make arrangements for the inauguration of the Governor elect, ask leave to make the following report:

Order of procession adopted by the committee of arrangements appointed to superintend the installation of the Governor elect:

The House of Representatives shall be prepared for the reception of the procession at half-past ten o'clock, A. M. The committee of arrangements shall repair to the Executive office at fifteen minutes before ten o'clock, A. M., and there await the announcement, by the Sergeant-at-Arms, that the two houses are convened and are ready to receive the Governor elect. The procession shall then proceed to the hall in the following order, viz:

1st. The Governor elect and Private Secretary, preceded by the Sergeant-at-Arms on the left.

2d. The Committee of Arrangements.

3d. Judges of the High Court of Errors and Appeals and Chancellor.

4th. State officers and distinguished individuals.

On arriving at the entrance of the bar of the House, the Sergeant-at-Arms shall announce the "Governor elect."

On which announcement the President of the Senate and Speaker of the House of Representatives, shall proceed to conduct him to the Clerk's desk. The Chief Justice shall set on his right and the other Judges, and the Chancellor, shall sit on his left.

So soon as the Sergeant-at-Arms shall have made proclamation, the procession shall retire in the same order.

Which was read; and,

On motion,

Received and agreed to.

The following message was received from the house of representatives, through Mr. Montgomery, their clerk, to-wit:

Mr. President—I am requested to inform the senate, that the house of representatives have taken a recess in order to prepare the hall for the inauguration of Gov. A. G. Brown, agreeably to the report of the joint committee of arrangements.

On motion of Mr. Lumpkin,

The senate took a recess for five minutes.

The recess having expired,

The senate met.

The senate, preceded by the sergeant-at-arms, repaired to the hall of the house of representatives, and took the seats assigned them.

The president having explained the object for which the two houses had come together, the Governor elect, accompanied by his private secretary, together with the committee of the two houses, chief justice Sharkey, judges Clayton and Thacher, of the high court of errors and appeals, and the chancellor, entered the hall of the house. The governor elect, and the judges and chancellor, took their seats in front of the speaker's desk; his excellency, A. G. Brown, then rose and delivered the following address:

Fellow Citizens:

Honored by you with a re-election to the office of Governor, I appear before you a second time, to renew my obligations to support your constitution and faithfully to discharge my duties. In doing so, allow me to enter into covenants, again to requite your generous confidence, by a continued watchfulness over all your varied interests.

Two years have now passed away since I entered, with trembling anxiety, on the high duties to which your partiality had called me.

You have passed your verdict of approval on my conduct, and I thank you—from a heart full and overflowing with gratitude I thank you. I enter on a second term with increased anxiety—and with a determination, quickened by your approval of the past, still to merit your confidence and to retire from your service without having forfeited your good opinion. To be chosen from fifty thousand voters to administer the affairs of a sovereign state, is a distinction of which any man may boast, but which no one has a right to claim.

I have it by your sufferance, it shall be my constant effort to wear it without reproach; and to surrender it without dishonor.

Indulge me, Fellow Citizens, in a remark or two touching the present attitude of our state, her future prospects, and the means to be employed in advancing her to greatness and glory. Proud as I am of Mississippi, the home of my childhood, and of my maturer years, I am prouder still of her atitude before the world; of the noble bearing which she exhibits amid the reproaches and contumely cast upon her. Is she accused by Bankers and Bonders of pestilential and seditious conduct, and of being "a ringleader of the sect" called *repudiators*? She answers as did Paul before Festus. "I stand at Cæsar's judgment seat, where I ought to be judged: to the Jews, have I done no wrong, as thou very well knowest. For if I be an offender or have committed any thing worthy of death, I refuse not to die; but if there be none of these things whereof these accuse me, no man may deliver me unto them. I appeal unto Cæsar." Mississippi is to be judged by her own written constitution; if against that she has offended, she expects to be reproached, but if she has not, no man may deliver her into the hands of Jewish or other bond holders. She appeals to the Constitution.

This day fifty thousand hearts scattered over the broad surface of Mississippi, swell with emotion as fifty thousand freemen turn their eyes towards this city to behold the actions of their Representatives assembled here. The state has been maligned and her fair fame traduced by those who are ignorant of her cause, or knowing her to be right, refuse to do her justice. She has taken her position, and from it she will not depart. The shafts leveled at her honor fall harmless at her feet, because they come not from the hand of justice. Let those who are the guardians of her unsullied fame, preserve it free from taint or blemish. You stood by her in her noble attitude of vindicating her constitution, in refusing to pay demands contracted in its violation; stand by her with equal firmness in her no less lofty attitude of vindicating that constitution still further by paying debts contracted by its approval and sanctioned by its language. If Mississippi was called upon by her constitution to reject the Union Bank Bonds, that same constitution bids her pay those of the Planters Bank "to the last mill." I will not ask you if it shall be done, because I will not ask you if Mississippi shall be dishonored.

What are the future prospects of our state, and how shall we advance her in the highway to glory and renown? are questions to be determined by your action. With a fertility of soil equal to any in the world; with the mighty river of her own name, so aptly termed "an inland sea," washing her western border for more than four hundred miles, and bearing upon its bosom the richest product that ever rewarded the toils of man; with navigable rivers like arteries running from her heart to all her extremities; with salubrity of climate equal to Italy, and a population the bravest and best on Gods earth, there is not a land of fairer promise, nor one which may aspire to a higher or a more glorious destiny. How shall we assist her? Let a portion of our energies be directed to internal improvements. The day will come when Mississippi should be spanned from east to west by a great central Railroad; when the waters of the Mississippi should be fenced in, and the fertile lands on its borders be made to throw their rich treasures into the pockets of our people. It was improvements like these that added millions to the wealth of New-York, and gave immortality to the name of Clinton. These improvements cannot be made the next year, or completed perhaps by this generation; but the natal energy and indomitable perseverance of our people will sooner or later carry them out. It is our duty to commence them.

There is a feature in the character of this state which the historian cannot pass by in silence. It is the independence which marks her conduct. Determining for herself what is right, she fearlessly pursues the conviction of her own judgement, regardless of the opinions and conduct of others. She was first to elect judges by the people; she first established a purely metalic currency, and amidst the taunts and jeers of friends and foes, she first stood up in the face of the civilized world and refused to pay an unconstitutional debt contracted in her name. A state which thus pursues its own inclinations, and which has already invested its people with more power than any other in the union, or perhaps in christendom, should be the foremost in giving universal instruction to its people.

An ignorant multitude excited by some fancied wrong and led by some daring and popular demagogue, may, in a single hour, commit breaches in the fabric of our government which the wisdom and ingenuity of ages may not be able to repair. The educated

masses are never phrenzied thus; appreciating the blessings of liberty, they will never commit excesses in its name. Then by every consideration of patriotism; by your love of liberty; by the devotion which you bear to your offspring; by the safety of your fire-sides; and the accumulated wealth of years of toil; by the holy religion of your fathers; by all that you hold dear in this world, or sacred in the world to come, I exhort you to spread the blessings of Education among the PEOPLE!

The legislation of this country is wisely divided into state and national. As a member of the great family of states, we are the victims or beneficiaries of national legislation as chance may direct, our voice being as one to fifty in her councils.

Whilst we direct our domestic legislation so as to develope the resources of our state, and secure to ourselves and our properity the blessings of liberty in a free government, may we not in earnest and respectful terms, address our petitions and our remonstrances to the federal legislature, so to govern its councils, as not to retard us in our onward march to prosperity and happiness. Nay! whilst others are the reeipients of governmental favor, may we not ask for justice If the tariff oppresses us, may we not ask that it be relaxed? If *protection* retards us, may we not ask that it be removed? Our cotton whitens every sea, and enlivens every port. It is the axis on which the commercial word revolves. Shall congress restrict us to a home market, and call this protection? verily, "it is such protection as vultures give to lamds." No, let congress protect us in foreign lands; let congress protect us as we float on every sea, and barter in every port, and we will protect ourselves and our government at home.

Millions on millions of the nation's money is yearly lavished in developing the resources and advancing the prosperity of other states, under the specious pretext of "providing for the common defence and the general welfare." Mississippi has remonstrated and her remonstrance has not been heard; she must stand firm on the broad platform of the constitution, and as she grows older and stronger she will increase in the compass and strength of her appeals for justice. She asks for nothing from the nation's coffers to her local works, but she asks for "defences" commensurate with her commercial importance, and such as are demanded by her position in the union, and her contributions to the national wealth. Our southern coast for three hundred miles is undefended; scarcely

a light-house to direct the storm-beaten mariner has been erected. Not an arsenal nor a fort is built on our shores. The nation liberal to others, but parsimonious to us, has not even surveyed our coast. A harbor equal to almost any on the Atlantic, was better known to British seamen in 1812–15 than to American statesmen in 1846. Are we members of the same family, or are we strangers to the sisterhood of states, that our interests are thus neglected and our safety set at nought?

If it were competent for congress to aid in the construction of the Wabash canal, with a grant from the public domain, why may not the rivers that spann our state in all directions and bear upon their bosoms the rich products of our soil demand like contributions from the nation's bounty. The Pearl, Yazoo, Black, Tallahatchie and other rivers are as important to us in their navigation as the Wabash canal can be to any portion of the western people.

For years and years, Mississippi has appealed, but she has appealed in vain, for a graduation in the price of the public lands.—The older states have clung to these lands with a miser's iron grasp. Gloating over the prospect of gain, they have regarded each dollar wrung from the reluctant grasp of the hardy settler, as so much added to their coffers. In a lucky hour the principle of graduation was ingrafted into the treaty with the Chickasaw Indians. Witness its fruits. In ten years, the lands ceded by the Chickasaw tribe, have made more advances inpopulation and in agriculture than those in the Choctaw cession have in twice that number of years. We have seen the less productive lands in the Choctaw cession go uncultivated for almost a quarter of century, and a thrifty population, such as would do credit to any state, driven west, where the more liberal government of Texas gave them lands on better terms. Our appeals must be renewed. The policy of the United States will ultimately induce her to listen to our petitions.

The feeling is now for war—war with England; a war in which we are to be the greatest sufferers. This war will give impetus to New England manufactures, and open new and profitable markets for western produce: to us it will bring blight and desolation. Our hearths, now happy and cheerful, will become lonely and desolate—our fields, no longer covered with a snowy white staple and enlivened by the negroe's happy song, will grow up in thorns and thick weeds, and become the resting place of reptiles and ill-omen-

ed birds. *Yet are we ready for the crisis.* Let no one doubt our fealty to the general good—let no one say that Mississippi will be unfaithful to the nation's honor—let her but know that her cause is just, and she will march to victory or death. Let the nation be faithful to herself and us—let her stand by her President who "has asked for nothing but what is right," and who has already sworn upon the altar of his country's glory, that "he will submit to nothing which is wrong;" and if for this, England wages war upon us, why, let it come—in God's name let it come. In such a cause, there is not a tongue that would not cry for war; and tho' houses were burned and cities sacked, and tho' biting hunger should e'en claim us for his victims, still our voice would be for war:—and our mothers, the matrons of the land, would cheer us in this goodly work. Like the mother of the Spartan heroes, they would bid us return from such a conflict "with our shields, or upon them." With England must ever rest the question of peace or war. We crave an *honorable* peace, and if this be denied us, we ask for war. I pray that justice may hold the scales in the hands of England, and that the genius of peace may preside over her deliberations.

With no disposition to trespass further on your indulgence, I conclude with an earnest wish that you the people may be united in all your efforts to promote the public good; and that the counsels of your representatives, under the supervision of Divine Providence, may be directed to the union of the States, the happiness of the people, and the perpetuity of liberty, and universal peace among men. ALBERT G. BROWN.

Chief justice Sharkey then administered the oath of office to the governor elect.

The sergeant-at arms then announced that his excellency, A. G. Brown, was duly installed governor and commander-in-chief of the army and navy of the State of Mississippi.

The president of the senate announced that the object of the joint meeting being accomplished, the senate withdrew to their chamber.

On motion of Mr. Fox,

The senate took a recess for twenty minutes.

The recess having expired,

The senate met;

And the following message was received from the house of representatives, through Mr. Montgomery, their clerk, viz:

Mr. President—The hall of the house of representatives is now ready for the reception of the senate, to the end, that the two houses proceed to the election of United States senator, in accordance with a joint resolution of both houses;

Which was read.

The senate forthwith repaired to the hall of the house of representatives, and took the seats assigned them in the hall of the house.

The president of the senate having announced the object of the joint meeting,

On motion of Mr. Labauve,

The joint meeting proceeded to the election of United States senator, commencing after the 4th March, 1847; when

Mr. Matthews of the senate, nominated Henry S. Foote, of Hinds county, as a suitable candidate for the senate in the congress of the United States.

Mr. Guion, of the senate, nominated George Winchester, of Adams county, as a candidate for the senate in the congress of the United States.

The president of the senate announced that said election would be conducted *viva voce.*

The secretary of the senate, and clerk of the house of representatives, proceeded to call their respective rolls, and the vote stood as follows, viz:

Mr. Foote received	- - -	93 votes.
" Winchester received	- - -	35 "
" Quitman "	- - -	1 "

Those who voted for H. S. Foote, are,

Senators—Messrs. President, Adams, Acker, Briscoe, Beene, Boone, Dabney, Durr, Fox, Horne, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Nicholson, Pegues, Price, Ramsay, Tillman and Willburn.

Representatives—Mr. Speaker, Messrs. Abbott, Adams, Archer, Beene, Berry of Simpson, Berry of Tippah, Buford, Bynum, Campbell, Cannon, Carson, Chambers, Chewning, Connell, Cowan, Crain, Cushman, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Fontaine, Frost, Gibbs, Gilleland, Greaves, Green of Tippah, Griffin, Guy, Harris, Hinds, Holleman, Hughes, Huie, Hyneman, Kennedy, Lemley, Leigh, Leonard, Loper, Malone, Martin,

Maxcy, McAfee, McCaughan, McDonald, McInnis, McNabb, Metcalf, Millsaps, Moody, Moore, Pendleton, Pettus, Potts, Randall, Robertson, Rossman, Simmons, Singleton, Smith of Winston, Stewart, Thompson, Torrey, Totten, Wade, Walker, Warren, Weathersby, Woodbury and York.

Those who voted for George Winchester are,

Senators—Messrs. Booth, Dupree, Guion, Lansdale, Metcalf, Stewart, Turner, Wall and Williams.

Representatives—Messrs. Alcorn, Allen, Bailey, Beaty, Binford, Brooks, Cypert, Emanuel, Ewing, Fowles, Green of Hinds, Harrison, Head, May, Nash, North, Pope, Rogers, Rushing, Sessions, Sharkey, Simrall, Smiley, Smith of Washington, Spann and White.

Mr. Foster of the House voted for Mr. Quitman.

The president announced that, inasmuch as Mr. Henry S. Foote had received a majority of the votes given for senator in the congress of the United States, he was duly and constitutionally elected senator to the congress of the United States, for the term of six years, commencing after the 4th day of March, A. D. 1847.

On motion of Mr. Labauve,

The joint meeting proceeded to the election of United States senator, to fill the unexpired term of the honorable R. J. Walker, in the congress of the United States.

Mr. Labauve, of the senate, nominated the honorable Joseph W. Chalmers, of Marshall county, as a candidate to fill said vacancy.

Mr. Guion, of the senate, nominated George Winchester, of Adams county, as a candidate to fill said vacancy.

The President of the senate announced that said election would be conducted *viva voce*.

The secretary of the senate, and clerk of the house of representatives, proceeded to call their respective rolls, and the vote stood as follows, to-wit:

Mr. Chalmers received	- - -	96 votes.
" Winchester "	- - -	33 "

Those who voted for Joseph W. Chalmers, are,

Senators—Mr. President, Messrs. Adams, Acker, Briscoe, Beene, Boone, Dabney, Durr, Fox, Horne, Hicks, Johnson, Lips-

comb, Lumpkin, Labauve, Matthews, Nicholson, Pegues, Price, Ramsay, Tillman and Willburn.

Representatives—Mr. Speaker, Messrs. Abbott, Adams, Archer, Beene, Berry of Simpson, Berry of Tippah, Buford, Brooks, Bynum, Campbell, Cannon, Carson, Chambers, Chewning, Connell, Cowan, Crain, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Fontaine, Foster, Frost, Gibbs, Gilleland, Greaves, Green of Tippah, Griffin, Guy, Harris, Hinds, Holleman, Hughes, Huie, Hyneman, Kennedy, Leigh, Lemly, Leonard, Loper, Malone, Martin, Maxcy, McAffee, McCaughan, McDonald, McInnis, McNabb, Metcalf, Millsaps, Moody, Moore, Pendleton, Pettus, Potts, Randall, Robertson, Rossman, Simmons, Singleton, Smith of Winston, Stewart, Thompson, Torrey, Totten, Wade, Walker, Warren, Weathersby, Woodbury and York.

Those who voted for George Winchester, are,

Senators—Messrs. Booth, Dupree, Guion, Lansdale, Metcalf, Stewart, Turner, Wall and Williams.

Representatives—Messrs. Alcorn, Allen, Bailey, Beaty, Buford, Emanuel, Ewing, Fowles, Green of Hinds, Harrison, Head, May, Nash, North, Pope, Rogers, Rushing, Sessions, Sharkey, Simrall, Smiley, Smith of Washington, Spann and White.

The president announced that, inasmuch as Mr. Joseph W. Chalmers had received a majority of the votes given for senator in the congress of the United States, he was duly and constitutionally elected senator to the congress of the United Satates, to fill the unexpired term of the honorable R. J. Walker.

The joint meeting having accomplished the object of their meeting, the senate withdrew to the senate chamber.

On motion of Mr. Williams,

The senate adjourned.

MONDAY, JANUARY 12, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Miles presented the petition of the citizens of the county of Yazoo; which,

On his motion,

Was referred to a select committee of three.

Messrs. Miles, Stewart and Guion were appointed said committee.

Mr. Acker presented the petition of Zachariah E. Wall, executor of the estate of William Wade, deceased; which,

On his motion,

Was referred to a select committee of three.

Messrs. Acker, Beene and Lipscomb were appointed said committee.

Mr. Stewart presented the following resolution, to-wit:

Resolved, That the joint standing committee on accounts be instructed, in examining the auditor's books and accounts, to examine minutely into the settlement of a claim against the state, under a law passed at the called session, in 1843, allowing William W. Yerby $150 for services rendered by him for work and labor performed in the treasury office of the state, and report whether said Yerby has receipted in full for said sum of money or not, and whether any portion of said appropriation has been paid out to any other person and to whom; and by what authority of law such payment was made to such other person than said William W. Yerby;

Which was read and adopted.

Mr. Acker, from the committee on elections, made a report;

Which was received and agreed to.

Mr. Price, from a select committee, reported a bill to be entitled,

An act for the relief of tax collectors in the year 1846;

Which was read the first time.

On motion of Mr. Price,

The constitutional rule was dispensed with,

And said bill was read the second time.

On motion of Mr. Turner,

Said bill was committed to the whole house,

And made the order of the day for to-morrow, 11 o'clock, a. m.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

Mr. President—The house of representatives have passed bills from the senate of the following titles, to-wit:

A bill to be entitled an act for the relief of Charles Anderson;

A bill to be entitled an act to prescribe the time of holding the

probate courts in the counties of Chickasaw, Monroe, Tishemingo and Noxubee;

A bill to be entitled an act to authorize the Judge of the probate court of Pike county to hold the terms of his court in the clerks office of said county;

And have made an amendment by way of ryder to the first mentioned bill, in which they desire the concurrence of the senate.

They have also given leave to the introduction of bills of the following titles:

A bill to be entitled an act to reduce the amount of the bond of the coroner of Copiah county;

A bill to be entitled an act to extend the attachment law of this state in favor of non-resident creditors against non-resident debtors, under certain circumstances;

And have passed a bill to be entitled an act for the relief of Joseph M. Wells;

In which they desire the concurrence of the senate.

They have also concurred in the resolution from the senate raising a committee of three on the part of the senate and ——— on the part of the house, to make suitable arrangements for the inauguration of the Governor, and have filled the blank with the No. 5, appointing Messrs. Wade, Cushman, Bailey, Crain and Thompson on the part of the house.

The senate proceeded to the consideration of said message.

On motion of Mr. Acker,

The senate disagreed to the amendment, by way of ryder, made by the house of representatives to a bill from the senate, entitled,

An act for the relief of Charles Anderson.

A bill to be entitled,

An act for the relief of Joseph M. Wells;

Was read the first time.

On motion,

The constitutional rule was dispensed with,

And said bill read the second time.

On further motion,

The constitutional rule was further dispensed with,

And said bill read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

Mr. Miles, from a select committee, to whom had been referred a bill to be entitled,

An act to amend the revenue laws of this state,

Reported a bill of the following title, in lieu thereof, to-wit:

A bill to be entitled,

An act to amend the revenue laws of this state;

Which was read the first time.

On motion of Mr. Miles,

The constitutional rule was dispensed with,

And said bill was read the second time.

On motion of Mr. Turner,

Said bill was committed to the whole house,

And made the order of the day for to-morrow.

Mr. Lipscomb, from a select committee, reported a bill to be entitled,

An act to incorporate the Hercules hook and ladder company of Columbus, Mississippi;

Which was read the first time.

On motion of Mr. Lipscomb,

The constitutional rule was dispensed with,

And said bill read the second time; and,

On further motion,

The rule was further dispensed with,

And said bill read the third time forthwith.

Mr. Labauve offered the following amendment, by way of ryder, to-wit:

Sec. —— *Be it further enacted*, That this act may be altered, amended or repealed at the pleasure, with or without the consent of the corporation.

The question was had upon the adoption of said amendment, by way of ryder;

And decided in the affirmative.

The question was then had upon the passage of said bill as amended;

And decided in the affirmative.

Ordered, That the title thereof be as stated.

Mr. Acker offered the following resolution, to-wit:

Resolved, That a committee of three be raised to enquire into and report the propriety of passing a bill to provide for the call of

a convention to change and alter the constitution of the state of Mississippi;

Which was read.

Mr. Wall moved to lay said resolution on the table;

Which was lost.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Adams, Booth, Dupree, Durr, Fox, Horne, Lipscomb, Lumpkin, Metcalf, Pegues, Ramsay, Stewart, Tillman and Wall—14 votes.

Noes—Mr. President, Acker, Briscoe, Beene, Boone, Dabney, Hicks, Johnson, Labauve, Lansdale, Matthews, Miles, Nicholson, Price, Turner, Williams and Willburn—17 votes.

The question was then had upon the adoption of said resolution;

Which was decided in the affirmative.

Messrs. Acker, Boone and Miles were appointed said committee.

Mr. Miles offered the following resolution, to-wit:

Resolved, That so much of the Governor's message as relates to the appointment of a commissioner to take the acknowledgement of deeds be referred to the judiciary committee;

Which was read and adopted.

Mr. Miles presented the claim of William Everett; which,

On his moton,

Was referred to the committee on claims.

Mr. Boone presented sundry joint resolutions, pledging the state of Mississippi to the support of the general government in maintaining the national rights to the Oregon territory;

Which were read the first time.

On motion of Mr. Labauve,

The constitutional rule was dispensed with,

And said resolutions were read the second time.

On motion of Mr. Adams,

Said resolutions were made the order of the day for Wednesday, at 12 o'clock, m.

The senate proceeded to the consideration of the orders of the day.

On motion of Mr. Matthews,

The senate resolved itself into committee of the whole, on a bill entitled,

An act to reduce the price of the public printing;

And after some time spent therein, the committee rose; and

Mr. Wall reported said bill without amendment; which,

On motion of Mr. Wall,

Was received and agreed to.

On motion of Mr. Matthews,

Said bill was ordered to be engrossed forthwith for a third reading.

Mr. Adams asked and obtained leave to the introduction of a bill to be entitled,

An act for the establishment of a seminary of learning in the city of Jackson;

Which was read the first time.

On motion of Mr. Adams,

The constitutional rule was dispensed with,

And said bill read the second time; and,

On the further motion of Mr. Adams,

Said bill was considered as engrossed,

And read the third time forthwith and passed.

Ordered, That the title thereof be as stated.

Mr. Fox asked and obtained leave to the introduction of a bill to be entitled,

An act to provide for the more speedy trial of slaves;

Which was read the first time.

Mr. Fox moved to dispense with the constitutional rule;

Read said bill the second time,

And referred it to the judiciary committee.

Mr. Miles called for a division of the question;

Which was had;

First, upon suspending the rule;

Which was decided in the affirmative.

The question was then had upon referring the same to the judiciary committee;

And lost.

On motion of Mr. Turner,

Said bill was committed to the whole house,

And made the order of the day for Wednesday next, 12 o'clock, m.

Mr. Turner offered the following resolution, to-wit:

Resolved, That so much of the Governor's message as relates to the law book called "North on probate courts," be referred to a select committee of three members;

Which was read and adopted.

Messrs. Turner, Matthews and Metcalf were appointed said committee.

Mr. Matthews offered the following resolution, to-wit:

Resolved, That the door-keeper of the senate be authorized to appoint Mr. James Biffle assistant door-keeper;

Which was read; and,

On motion of Mr. Williams,

Laid on the table.

Mr. Tillman offered the following resolution, to-wit:

Resolved, That a committee of three be appointed to wait on his Excellency, the Governor, and request a copy of his inaugural address, for publication;

Which was read and adopted.

Messrs. Tillman, Johnson and Nicholson were appointed said committee.

The senate resumed the consideration of the orders of the day.

On motion of Mr. Adams,

A bill to be entitled,

An act to amend an act entitled an act to regulate the mode of obtaining license to sell vinous and spirituous liquors, and to amend an act entitled an act for the suppression of tippling houses, and to prevent the odious vice of drunkenness. Approved, February 22, 1844;

Was postponed until to-morrow.

Mr. Boone offered the following resolution, to-wit:

Resolved, (the house concurring,) That the two houses meet in the representative hall on Thursday next, at 12 o'clock, for the purpose of electing a state printer, for the succeeding two years.

Mr. Wall moved to suspend the rule, and adopt said resolution forthwith.

Mr. Matthews called for a division of the question;

Which was had;

First, upon the suspending the rule;

And lost.

Mr. Nicholson asked and obtained leave to the introduction of a bill to be entitled,

An act to provide for an additional justice of the peace in the district of Holmesville;

Which was read the first time.

On motion of Mr. Nicholson,

The constitutional rule was dispensed with,

And said bill was read the second time.

On motion of Mr. Wall,

Said bill was ordered to be engrossed for a third reading, on to-morrow.

Mr. Dupree asked and obtained leave to the introduction of a bill to be entitled,

An act to prescribe the mode of printing the laws repealing or amending existing statutes;

Which was read the first time.

On motion of Mr. Dupree,

The constitutional rule was dispensed with,

And said bill read the second time.

On further motion of Mr. Dupree,

Said bill was ordered to be engrossed for a third reading, on to-morrow.

Mr. Price presented the claim of William McAllister, deputy sheriff of Lawrence county, Tennessee; which,

On his motion,

Was referred to the committee on claims.

Mr. Lipscomb offered the following resolution, to-wit:

Resolved, That the door-keeper furnish each member of the senate with a copy of the daily reports of its proceedings, as each senator may direct;

Which was read and lost.

Mr. Labauve moved an adjournment until 10 o'clock to-morrow;

Which was lost.

On motion of Mr. Boone,

The senate took a recess of fifteen minutes.

The recess having expired,

The senate met.

A bill to be entitled an act to reduce the price of public printing;

Was read the third time and passed.

Ordered, That the title thereof be as stated.

Mr. Wall called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Acker, Briscoe, Booth, Beene, Boone, Dabney, Dupree, Durr, Fox, Horne, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Lansdale, Metcalf, Matthews, Nicholson, Pegues, Price, Ramsay, Stewart, Tillman, Turner, Wall, Williams and Willburn.

Mr. Tillman presented the memorial of the Hon. Thomas A. Willis;

Wihch was read; and,

On his motion,

Referred to a select committee of three.

Messrs. Tillman, Guion and Stewart were appointed said committee.

Mr. Adams offered the following resolution, to-wit:

Resolved, That the medical convention be permitted to use the senate chamber for their deliberations this evening;

Which was read and adopted.

On motion of Mr. Price,

The senate adjourned until 10 o'clock to-morrow morning.

TUESDAY, JANUARY 13, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

The following message was received from the house of representatives, through their clerk, Mr. Montgomery, to-wit:

MR. PRESIDENT—The house of representatives have passed a bill of the following title, viz:

A bill to be entitled, an act concerning the estate of William B. Smith, deceased, late of Warren county;

In which I am instructed to desire the concurrence of the senate.

They have receded from their amendment, by way of ryder, to the bill from the senate, entitled an act for the relief of Charles Anderson, of Pontotoc county.

They have also given leave to the introduction of bills of the following titles, viz:

A bill to be entitled an act declaring certain slaves free persons of color;

A bill to be entitled an act to incorporate the Pontotoc male academy;

A bill to be entitled an act to emancipate Richard, a slave;

A bill to be entitled an act to amend an act of the Mississippi territory.

The senate took up the consideration of said message;

And the bill entitled an act concerning the estate of William B. Smith, deceased, late of Warren county;

Was read the first time.

Mr. Duprée presented the petition of Louisa Williams;

Which was read; and,

On his motion,

Referred to the committee on propositions and grievances.

Mr. Miles presented the petition of R. M. Johnson, jr., of the county of Yazoo;

Which was read; and,

On motion of Mr. Miles,

Said petition, together with the accompanying record, were referred to the committee on claims.

Mr. Acker presented the communication of U. W. Anderson;

Which was read; and,

On motion of Mr. Wall,

Laid on the table.

Mr. Acker presented the following claims, to-wit:

Thomas Pearce, John W. Nix, Joseph Wood, John W. Nix, Fendall Wentworth, John W. Nix; which,

On his motion,

Was referred to the committee on claims.

Mr. Turner, from a select committee, reported a bill to be entitled,

An act providing for the purchase of the book called "North on Probate Courts;"

Which was read the first time.

On motion,

The constitutional rule was dispensed with, and said bill read the second time.

On motion of Mr. Turner,

Said bill was committed to the whole house, and made the order of the day for to-morrow, 12 o'clock, M.

Mr. Acker, from a select committee, made a report, and therein reported a bill to be entitled,

An act to amend an act entitled an act to amend an act to make valid and confirm the last will and testament of William Wall, deceased, approved January 26th, 1843;

Which was read the first time.

On motion of Mr. Acker,

The constitutional rule was dispensed with, and said bill read the second time.

On motion of Mr. Guion,

Said bill was ordered to be engrossed, and read the third time.

Mr. Guion offered the following resolution, to-wit:

Resolved, (the house of representatives concurring,) That the committee on internal improvement of the senate and house of representatives, shall hereafter be a joint standing committee of both houses;

Which was read the first time.

On motion of Mr. Guion,

The rule was suspended, and said resolution read and adopted forthwith.

Mr. Dupree, from a select committee, reported a bill to be entitled,

An act for the relief of Thomas Collins;

Which was read the first time.

On motion of Mr. Dupree,

The constitutional rule was dispensed with, and said bill was read the second time; and,

On the further motion of Mr. Dupree,

Said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Briscoe, from a select committee, reported back a bill to be entitled,

An act to amend the constitution of the State of Mississippi,

Without amendment;

Which was read the first and second time ; and,

On motion of Mr. Boone,

Said bill was committed to the whole house, and made the order of the day for Monday next, 11 o'clock, A. M.

The following message was received from the house of representatives, through Mr. Montgomery, their clerk, viz :

MR. PRESIDENT—The house of representatives have adopted the following joint resolution, viz :

Resolved, (with the concurrence of the senate,) That the special message of the Governor, be referred to a joint select committee of five, on the part of the house, and —— on the part of the senate ;

And have appointed on the part of the house, Messrs. Greaves, Cushman, Green of Hinds, McNabb and Rogers ;

In which I am requested to desire the concurrence of the senate ;

Which was read.

On motion of Mr. Boone,

The senate concurred in the resolution of the house, appointing a joint select committee, to whom was referred the special message of the Governor.

On motion of Mr. Miles,

The vote concurring with the house in relation to the special message of the Governor, was re-considered ;

And said resolution was laid on the table.

Mr. Acker asked, and obtained leave, to the introduction of a bill to be entitled,

An act explanatory of an act of incorporation of the University of Mississippi ;

Which was read the first time ; and,

On motion of Mr. Acker,

The constitutional rule was dispensed with, and said bill read the second time ; and,

On the further motion of Mr. Acker,

Said bill was considered as engrossed, and the constitutional rule dispensed with, and said bill read the third time forthwith and passed.

Ordered, That the title thereof be as stated.

Mr. Briscoe presented the petition of William M. Randolph,

and accompanied said petition with a bill of the following title, to-wit:

A bill to be entitled an an act for the relief of Leah Beasley, a woman of color;

Which was read the first time.

Mr. Lumpkin asked, and obtained leave, to the introduction of a bill to be entitled,

An act to change the time of holding the circuit court of Tallahatchie county;

Which was read the first time.

On motion of Mr. Lumpkin,

The constitutional rule was dispensed with, and said bill read the second time forthwith, and ordered to be engrossed for a third reading.

The following message was received from the house of representatives, through Mr. Montgomery, their clerk, to-wit:

Mr. President—I am requested by the house of representatives to inform the senate, that the speaker of the house of representatives did, on this day, sign an act of the following title, to-wit:

An act for the relief of Joseph Mathews Wells;

Which I am requested to present to the senate for the signature of the president;

Which was read, and ordered to be laid on the table.

The senate proceeded to the consideration of the orders of the day:

A bill to be entitled an act to prescribe the mode of printing the laws repealing or amending existing laws;

Was read the third time,

And lost.

A bill to be entitled an act to provide for an additional justice of the peace for the town of Holmesville;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled an act to amend an an act entitled an act to regulate the mode of obtaining license to sell vinous and spiritous liquors, and to amend an act entitled an act for the suppression of tippling houses, and to prevent the odious vice of drunkenness, approved February 22d, 1844,

Was read.

Mr. Durr offered the following amendment, to-wit:

Be it further enacted, That all money arising under the provisions of said act, in the counties of Kemper and Lauderdale, shall be applied, by the boards of police of said counties, to common poor schools in said counties;

Which was read and adopted.

On motion of Mr. Adams,

Said bill was committed to the whole house, and made the order of the day for 12 o'clock, to-morrow.

On motion of Mr. Adams,

The senate resolved itself into committee of the whole, on the following bills, viz:

A bill to be entitled an act to amend the revenue laws of this state:

A bill to be entitled an act for the relief of tax collectors for the year 1846;

And after some time spent therein, the committee rose, and

Mr. Wall reported the first of said bills back without amendment.

The second, he reported with the following amendment, to-wit:

First section: strike out after the enacting clause, and insert the following, to-wit:

That the tax payers of the state shall not incur the penalty of double taxation, *provided*, they pay their taxes on or before the first day of March, in each and every year.

Mr. Wall moved that the report be received.

Mr. Briscoe called for a division of the question on the bills;

Which was had.

And the question was then had upon the reception of the report of the committee;

And decided in the affirmative.

Mr. Labauve offered the following amendment to the first mentioned of said bills, to-wit:

Strike out second section, and insert as follows, to-wit:

Be it further enacted, That the owner or owners of the land so sold, in order to redeem said land, shall only be required to pay sixteen per cent. per annum on the amount due the state;

Which was read and adopted;

And said bill, as amended, ordered to be engrossed for a third reading on to-morrow.

The question was then had upon the adoption of the amendment, made in committee of the whole, to the second of said bills;

Which was lost.

On motion of Mr. Price,

Said bill was considered as engrossed, the constitutional rule dispensed with, and said bill read the third time forthwith,

And passed.

Mr. Turner called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Adams, Briscoe, Beene, Boone, Dabney, Dupree, Durr, Fox, Johnson, Lipscomb, Lumpkin, Labauve, Lansdale, Price, Wall and Williams—16 votes.

Noes—Mr. President, Acker, Booth, Horne, Hicks, Metcalf, Miles, Nicholson, Pegues, Ramsay, Stewart, Tillman, Turner and Willburn—14 votes.

Mr. Adams offered the following amendment, to-wit:

Amend the title by striking out the words, "tax collectors for the year 1846," and insert, "tax payers, and for other purposes;"

Which was read and adopted.

Ordered, That the title thereof be as stated.

Mr. Tillman, from a select committee, reported that the Governor had furnished a copy of his inaugural address;

Which he submitted;

And which was received and agreed to.

Mr. Boone moved to print 2,000 copies thereof.

Mr. Durr moved to print 1,000 copies thereof.

Mr. Lansdale moved to print 500 copies thereof.

The question was then had upon printing 2,000 copies;

Which was lost.

Mr. Acker called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Briscoe, Boone, Fox, Lumpkin and Tillman—5 votes.

Noes—Mr. President, Adams, Acker, Booth, Beene, Dabney, Dupree, Durr, Horne, Hicks, Johnson, Labauve, Lansdale, Metcalf, Miles, Nicholson, Pegues, Price, Ramsay, Stewart, Turner, Wall, Williams and Willburn—24 votes.

The question was then had upon printing 1,000 copies;

Which was lost.

The question was then had upon printing 500 copies;

Which was lost.

On motion of Mr. Stewart,

The motion to print was laid on the table.

The resolution in relation to the election of a state printer, was then taken up, read and adopted.

On motion of Mr. Miles,

The senate adjourned until 10 o'clock to-morrow morning.

WEDNESDAY, JANUARY 14, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Fox presented a memorial to the congress of the United States, in relation to the improvement of the navigation of Pearl river;

Which was read;

And by rule lies over one day.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

MR. PRESIDENT—The committee on enrolled bills have examined bills of the following titles, to-wit:

An act for the relief of Charles Anderson, of Pontotoc county;

An act to prescribe the time of holding the probate courts in the counties of Chickasaw, Monroe, Tishemingo and Noxubee;

And have found the same correctly enrolled;

Which was received and agreed to.

The president signed said bills.

Mr. Guion, from the judiciary committee, made the following report, to-wit:

MR. PRESIDENT—The committee on the judiciary, to whom was referred, a bill to be entitled,

An act for the benefit of married women, living on 16th sections,

Have had the same under consideration, and have instructed me to report that, in their opinion, the same ought not to be passed.

The committee are of opinion that the passage of the bill would

have the effect, in many instances, of diminishing the school fund arising from the rent of the school lands, and for that reason ought not to become a law; which,

On motion of Mr. Guion,

Was received and agreed to.

Mr. Guion, from the judiciary committee, reported back to the senate, without amendment, a bill to be entitled,

An act to amend an act entitled an act to amend the several acts of limitation. Approved 24th February, 1844;

Which was read and agreed to.

Mr. Guion, from the judiciary committee, to whom had been referred so much of the Governor's message as relates to the changing of the circuit court practice, reported a bill to be entitled,

An act to regulate the practice of the circuit courts in criminal cases;

Which was read the first time.

Mr. Guion, from the judiciary committee, to whom had been referred so much of the Governor's message as relates to amendments to the constitution, reported resolutions of the following titles, to-wit:

Resolutions amendatory of the constitution;

A resolution inserting an amendment in the constitution of the state;

Which were read the first time; and,

On motion of Mr. Guion,

The report was received and agreed to.

Mr. Guion, from the judiciary committee, to whom had been referred so much of the Governor's message as relates to the appointment of commissioners to take the acknowledgement of deeds, reported a bill to be entitled,

An act to provide for the appointment of commissioners in the several states of the United States to take acknowledgements of deeds for lands in this state, and other instruments of writing under seal;

Which report was received and agreed to;

And said bill was read the first time.

Mr. Durr, from the committee on propositions and grievances, reported a bill of the following title, to.wit:

A bill to be entitled,

An act for the relief of Isaac Chrisman, and other purposes;

Which report was received and agreed to;

And said bill read the first time.

Mr. Boone, from a select committee, to whom had been referred a bill to be entitled,

An act for the relief of John H. Rollins, reported a bill of the following title in lieu thereof, to-wit:

A bill to be entitled,

An act for the relief of John H. Rollins;

Which was received and agreed to;

And said bill read the first time.

Mr. Guion offered the following resolution, to-wit:

Resolved, That the committee on the judiciary be instructed to enquire what amendments, if any, are necessary to the existing laws, in relation to the courts of probate;

Which was read and adopted.

Mr. Beene asked and obtained leave to the introduction of a bill of the following totle, to-wit:

A bill to be entitled,

An act to attach the counties of Tippah and Pontotoc to the district chancery court at Fulton;

Which was read the first time.

Mr. Adams asked and obtained leave to the introduction of a bill of the following title, to-wit:

A bill to be entitled,

An act to carry into effect the agreement of the state of Mississippi with the United States in relation to the two per cent. fund;

Which was read the first time.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

Mr. President—The house of representatives have passed bills from the senate of the following titles, viz:

A bill to be entitled an act to reduce the price of the public printing;

A bill to be entitled an act to legalize a special term of the circuit court of the county of Madison, ordered for the first Monday of February, 1846.

They have passed bills of the following titles, viz:

A bill to be entitled an act to detach a portion of the county of Lafayette therefrom, and attach the same to the county of Marshall, and for other purposes;

A bill to be entitled an act to establish the county site of Washington county.

They have passed resolutions instructing our senators and requesting our representatives in congress to sustain the recommendations of the president of the U. S. in relation to the public lands, and for other purposes;

And have also adopted the following joint resolution, viz:

Resolved, (with the concurrence of the senate,) That the two houses convene in the representatives hall on to-day, at 3 o'clock, p. m., for the purpose of electing a public printer, who, when elected, shall be governed in his charges by any rates which the Legislature may hereafter fix by law;

In all of which I am requested to desire the concurrence of the senate.

They have also passed a bill from the senate to be entitled an act to incorporate the Hercules hook and ladder company of Columbus, Mississippi.

Mr. Miles asked and obtained leave to the introdnction of a bill to be entitled,

An act to incorporate Yazoo Lodge, No. 42;

Which was read the first time.

Mr. Wall was called to the chair; when,

The president of the senate asked and obtained leave to the introduction of a bill to be entitled,

An act to restore a board of trustees of the sixteenth section, township 5, of range 3 east;

Which was read the first time; when,

The president resumed his seat.

Mr. Labauve asked and obtained leave to the introduction of a bill to be entitled,

An act to provide for the construction of a levee on the Mississippi for the protection and improvement of the state lands;

Which was read the first time.

Mr. Wall asked and obtained leave to the introduction of a bill to be entitled,

An act to authorize the board of police in Amite county to cre-

ate additional districts for the election of justices of the peace in said county;

Which was read the first time.

On motion of Mr. Wall,

The constitutional rule was dispensed with,

And said bill read the second time by title,

And ordered to be engrossed for a third reading on to-morrow.

Mr. Williams asked and obtained leave to the introduction of a bill to be entitled,

An act to incorporate the Chuquatontia turnpike company;

Which was read the first time.

Mr. Williams asked and obtained leave to the introduction of a bill to be entitled,

An act to declare Lususcoona a navigable stream, and for other purposes;

Which was read the first time.

On motion of Mr. Boone,

The senate took up the message from the house of representatives last received.

On motion of Mr. Wall,

The senate concurred in the resolution from the house, in relation to the election of a public printer, who, when elected, to be governed in his charges by any rates which the legislature may hereafter fix by law.

On motion of Mr. Dupree,

The vote taken on yesterday rejecting a bill to be entitled,

An act to prescribe the mode of printing the laws, repealing or amending existing statutes;

Was reconsidered.

Mr. Dupree, on his motion,

Had leave to withdraw said bill.

Mr. Adams offered the following resolution, to-wit:

Resolved, (the house of representatives concurring,) That the joint standing committee on accounts be authorized to employ a clerk;

Which was read.

Mr. Adams moved to suspend the rule;

Which was lost.

On motion,

Messrs. Lansdale and Wall were excused from any further service on the committee of accounts.

On motion,

Mr. Williams was excused from any further service on the committee on enrolled bills.

The senate proceeded to the consideration of the message last received from the house of representatives.

A bill to be entitled,

An act to detach a portion of the county of Lafayette therefrom, and attach the same to the county of Noxubee, and for other purposes;

Was read the first time.

A bill to be entitled,

An act to establish the county site of Washington county;

Was read the first time.

Resolutions instructing our senators and requesting our representatives in congress to sustain the recommendations of the president of the U. S. in relation to the public lands, and for other purposes;

Was read the first time.

A bill to be entitled,

An act concerning the estate of Wm. B. Smith, dec'd, late of Warren county;

Was read the second time.

A bill to be entitled,

An act to amend an act entitled an act to amend an act entitled an act to make valid and confirm the last will and testament of William Wall, deceased;

Was read the third time and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act for the relief of Leah Beesly, a woman of color;

Was read the second time.

On motion of Mr. Briscoe,

Said bill was ordered to be engrossed for a third reading on tomorrow.

A bill to be entitled,

An act to change the times of holding the circuit courts of Talahatchie county;

Was read the third time; and,

On motion of Mr. Wall,

Laid on the table.

A bill to be entitled,

An act for the relief of Thos. F. Collins;

Was read the third time and passed.

Ordered, That the title thereof be as stated.

Mr. Boone offered the following resolution, viz:

Resolved, That the secretary be authorized to employ five assistant clerks, and no more;

Which was read; and,

On motion of Mr. Guion,

Laid on the table.

A bill to be entitled,

An act to amend the revenue laws of this state;

Was read the third time and passed.

Ordered, That the title thereof be as stated.

Mr. Guion asked and obtained leave to the introduction of a bill to be entitled,

An act for the relief of Henry Lee, a free man of color, of the county of Warren;

Which was read the first time.

The senate resolved itself into committee of the whole on bills and resolutions of the following titles, to-wit:

Joint resolutions pledging the state of Mississippi to the support of the general government in maintaining the national rights to the Oregon territory;

A bill to be entitled,

An act to provide for the more speedy trial of slaves;

A bill to be entitled,

An act providing for the purchase of the book called 'North on probate courts;'

A bill to be entitled,

An act to amend an act entitled an act to regulate the mode of obtaining license to sell vinous and spirituous liquors, and to amend an act entitled an act for the suppression of tippling houses, and to prevent the odious vice of drunkenness, Approved Feb. 22d, 1844;

And after some time spent therein, the committee rose; and,

Mr. Tillman reported the Oregon resolution with the following amendment, to-wit:

Resolved, That in the opinion of this legislature, whilst justice and sound policy forbids any interference on the part of our government in the affairs of European nations, it is proper, in the existing circumstances of the world, that we reiterate and re-affirm the principle of non-interference on the part of any foreign nation in the affairs of this continent, and also to declare that the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subject for future colonization by any European power.

On motion of Mr. Tillman,

The report of the committee of the whole was received.

Mr. Acker offered the following amendment to the amendment made in committee of the whole, to-wit:

Amend by inserting, after 'European power,' the words, 'except such portions thereof as already rightfully belong to such powers;'

Which was lost;

And thereupon the question was had upon the adoption of the amendment made in committee of the whole;

Which was decided in the affirmative.

Mr. Wall offered the following amendment to the preamble, to-wit:

In the preamble, in —— line, strike out the word 'disdainfully;'

Which was read and adopted;

And thereupon the question was had upon the adoption of said resolutions as amended;

And decided in the affirmative.

The second of said bills, entitled,

An act to provide for the more speedy trial of slaves;

Was reported back by Mr. Tillman without amendment;

Which report was received.

On motion of Mr. turner,

Said bill was referred to a select committee of three.

Messrs. Fox, Turner and Guion were appointed said committee.

The third of said bills, entitled,

An act providing for the purchase of the book called 'North on probate courts;'

Was reported back by Mr. Tillman, with the following amendments, to wit:

In the first section of the bill, fill the blank with the number 'four,' and in the same section, fill the second blank with the number 'five.' In section three of said bill, fill the blank with the number 'four hundred;'

Which was received and agreed to;

And thereupon the question was had upon the adoption of the amendments made in committee of the whole;

Which was decided in the affirmative;

And said bill, as amended, was ordered to be engrossed for a third reading on to-morrow.

The fourth of said bills, entitled,

An act to amend an act entitled an act to regulate the mode of obtaining license to sell vinous and spirituous liquors, and to amend an act for the suppression of tippling houses, and to prevent the odious vice of drunkenness, approved Feb. 22d, 1844;

Was reported by Mr. Tillman with the following amendments, to-wit:

After the words Kemper and Lauderdale, insert Jasper, Franklin and Lafayette:

Amend by adding,

Sec. —— *Be it further enacted*, That no part or provision of this act shall be so construed as to repeal the second section of the act of 1842, to which this act is an amendment.

On motion,

The report was received.

Mr. Willburn offered the following amendment to the amendment, viz:

That one-half of the money arising from the license to retail spirituous liquors in the county of Yalobusha, be applied, under the direction of the board of police, to the support of common schools in those townships in which there is no school fund;

And the question was had upon the adoption of the amendment to the amendment;

Which was decided in the affirmative.

The question was then had on the adoption of the amendment as amended;

Which was decided in the affirmative.

On motion of Mr. Adams,

Said bill and the amendments were laid on the table.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

Mr. President—I am requested by the house of representatives to inform the senate that the house of representatives request the senate to transmit to the house such information as may be in the possession of the senate in relation to a bill which has passed the senate for the relief of Thomas F. Collins.

Mr. Labauve moved to lay said message on the table;

Which was decided to be out of order.

On motion of Mr. Adams,

The secretary of the senate was required to furnish the information called for in said message.

On motion of Mr. Boone,

The senate took a recess till three o'clock, p. m.

THREE O'CLOCK, P. M.

The recess having expired,

The senate met.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

Mr. President—I am requested by the house of representatives to inform the senate that the hall of the house is now in readiness for the reception of the senate to the end that the two houses proceed to the election of a public printer, fixed for this hour by resolution of the two houses;

Which was read;

And thereupon the senate forthwith proceeded to the hall of the house of representatives and took the seats assigned them in the hall of the house.

The president of the senate having announced the object of the meeting,

Mr. Fox, of the senate, nominated Messrs. Price & Fall as candidates for public printer;

Mr. Connell, of the house, nominated Messrs. Smyth & Picket as candidates for public printer;

Mr. Guion, of the senate, nominated Mr. Palmer as a candidate for public printer.

On motion of Mr. Guion, of the senate,

Said election was conducted *viva voce.*

The secretary of the senate and the clerk of the house of representatives proceeded to call their respective rolls, when the vote stood as follows, to-wit:

Messrs. Price & Fall received 67 votes,
" Smyth & Picket " 21 "
Mr. Palmer " 38 "

Those who voted for Messrs. Price and Fall, are

Senators—Mr. President, Messrs. Acker, Briscoe, Beene, Boone, Dabney, Fox, Horne, Johnson, Lumpkin, Labauve, Price, Ramsay, Tillman and Willburn—15.

Representatives—Messrs. Abbott, Adams, Archer, Beene, Berry of Tippah, Buford, Bynum, Campbell, Carson, Chambers, Chewning, Cowan, Crain, Dilworth of Monroe, Farrar, Frost, Gibbs, Gilleland, Greaves, Green of Tippah, Griffin, Guy, Harris, Hinds, Holleman, Huie, Hyneman, Kennedy, Leigh, Martin, McAffee, McCaughan, McDonald, McNabb, Metcalf, Moody, Moore, Pendleton, Robertson, Rossman, Simmons, Singleton, Stewart, Thompson, Torrey, Totten, Wade, Walker, Warren, Weathersby, Woodbury and York—52.

Those who voted for Messrs. Smyth and Pickett, are

Senators—Messrs. Adams, Durr, Lipscomb, Nicholson and Pegues—5.

Representatives—Mr. Speaker, Messrs. Cannon, Connell, Cushman, Cypert, Dilworth of Tishemingo, Fontaine, Hughes, Lemly, Loper, Malone, Maxcy, Millsaps, Pettus, Randall and Smyth of Winston—16.

Those who voted for Thomas Palmer, are,

Senators—Messrs. Booth, Dupree, Guion, Lansdale, Metcalf, Miles, Stewart, Turner, Wall and Williamson—10.

Representatives—Messrs. Alcorn, Allen, Bailey, Beaty, Binford Brooks, Emanuel, Ewing, Foster, Fowles, Green of Hinds, Harrison, Head, McInnis, Nash, Netterville, North, Pope, Rogers, Rushing, Sessions, Sharkey, Simrall, Smiley, Smith of Washington, Spann and White—28.

Messrs. Price & Fall having received a majority of the votes given for public printer, the president thereupon announced that Messrs. Price & Fall were duly and constitutionally elected public

printers for the term prescribed by law,—who are to be governed in their charges by any rates which the legislature may hereafter fix by law.

The joint meeting having accomplished the object of the assemblage,

The senate withdrew to their chamber.

On motion of Mr. Lumbkin,

The senate adjourned until to-morrow morning, 10 o'clock, a. m.

THURSDAY, JANUARY 15, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

The following message was received from the house of representatives, through Mr. Montgomery, their clerk, to-wit:

MR. PRESIDENT—The house of representatives have given leave to the introduction of bills of the following titles, viz.:

A bill to be entitled an act in relation to the bonds of coroners;

A bill to be entitled an act for the relief of John H. Rollins;

A bill to be entitled an act to establish the seat of justice in the county of Issaquena;

A bill to be entitled an act to change the name of Susanna W. House, and for other purposes;

A bill to be entitled an act to incorporate Silas Brown Lodge No. 65, of free and accepted masons;

A bill to be entitled an act to incorporate the town of Greensboro', in Choctaw county, and to repeal all other acts incorporating the same;

A bill to be entitled an act to authorize the board of police in Green county, to levy special taxes, and for other purposes;

A bill to be entitled an act to repeal an act entitled an act to incorporate the University of Mississippi;

A bill to be entitled an act to change the manner of appeals before justices of the peace;

A bill to be entitled an act to provide for the payment of the expenses for transcribing the records for the county of Issaquena;

A bill to be entitled an act to declare Mikes'. or Fishing river, in the county of Hancock, a navigable stream;

A bill to be entitled an act to repeal the 4th section of an act entitled an act to amend an act to incorporate the town of Grenada, in the county of Yalabusha, and for other purposes, approved February 22d, 1840.

The speaker has appointed, on the part of the house, the following named gentlemen on enrolled bills:

Messrs. Sessions, Walker, White, Adams and Simmons.

Also, the following joint committee on the part of the house, on census and apportionment, viz:

Messrs. Kennedy, Harrison, Cowan, Hinds, Abbott, Maxcy, Loper, Randall, Weathersby, Head, Thompson, Pope, Wade, North and Nash.

The house have concurred in the resolution of the senate, raising a joint select committee, to consist of five on the part of the senate, and —— on the part of the house, to divide the state of Mississippi into four congressional districts, and have appointed on the part of the house:

Messrs. Alcorn, Robertson, Green of Tippah, Smith of Winston, Beaty, Simral, Leonard and Frost.

Mr. Boone, from the committee on claims,

On his motion,

Was discharged from the consideration of the following claims, viz:

Elvira B. Hamilton, Elvira Hamilton.

Mr. Guion presented the claim of Robert Jack; which,

On his motion,

Was referred to the committee on claims.

The president presented, from the chair, the claim of John Tate; which,

On his motion,

Was referred to the committee on claims.

Mr. Labauve presented the claim of M. Wilson; which,

On his motion,

Was referred to the committee on claims.

Mr. Miles, from a select committee, reported a bill to be entitled,

An act to incorporate the town of Benton, in the county of Yazoo;

Which was read the first time.

On motion of Mr. Miles,

The constitutional rule was dispensed with,

And said bill read the second time by title, and ordered to be engrossed for a third reading on to-morrow.

Mr. Briscoe was called to the chair.

Mr. Adams asked, and obtained leave, to the introduction of the following resolution, to-wit:

Resolved, (the house of representatives concurring,) that the joint select committee to draft an apportionment bill, be instructed to report a bill reducing the number of senators and representatives, at least one fourth of their present number;

Which was read and adopted.

Mr. Adams called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Booth, Beene, Dabney, Durr, Fox, Guion, Horne, Metcalf, Nicholson Pegues, Ramsay, Stewart, Tillman, Turner and Wall—18 votes.

Noes—Messrs. Boone, Dupree, Johnson, Lipscomb, Lumpkin, Lansdale, Miles, Price and Willburn—9 votes.

Mr. Dabney, from a select committee, to whom had been referred a bill to be entitled,

An act to change the time of holding the circuit courts in the fifth judicial district in this state,

Reported a bill of the following title, to-wit:

A bill to be entitled,

An act to change the time of holding the circuit courts in the fifth judicial district in this state, and for other purposes;

Which was read the first time.

Mr. Boone moved to dispense with the rule, and read the bill by title the second time;

Which was lost.

Mr. Adams offered the following resolution, to-wit:

Resolved, (the house of representatives concurring,) that the hon. John H. Horne be added to the joint select committee to draft an apportionment bill;

Which was read.

On motion of Mr. Adams,

The rule was suspended, and said resolution adopted forthwith.

Mr. Nicholson offered the following resolution, to-wit:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of vesting some officer in each and every county, with authority to grant and try writs of habeas corpus, and report by bill or otherwise;

Which was read and adopted.

On motion of Mr. Lumpkin,

A bill to be entitled,

An act to change the time of holding the circuit courts of Tallahatchie county,

Was called from the table,

Read and passed.

Ordered, That the title thereof be as stated.

Mr. Adams called from the table, the following resolution, to-wit:

Resolved, (the house of representatives concurring,) that the joint standing committee on accounts, be authorized to employ a clerk;

Which was read, and lost.

Mr. Boone called from the table,

The resolution in relation to the appointment of assistant clerks, &c.;

Which was read.

The president, on his motion,

Was excused from voting;

And the question was then had on the adoption of said resolution;

Which was lost.

The senate proceeded to the consideration of the orders of the day:

A bill to be entitled,

An act to amend an act entitled an act to amend the several acts of limitation, approved 24th February, 1844;

Was read the second time.

On motion of Mr. Miles,

Said bill was ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act to regulate the practice of the circuit courts in criminal cases;

Was read the second time.

On motion of Mr. Wall,

Said bill was ordered to be engrossed for a third reading on to-morrow.

A resolution amendatory of the constitution,

Was read the second time.

On motion of Mr. Wall,

Said resolution was ordered to be engrossed for a third reading on to-morrow.

A resolution inserting an amendment in the constitution of the state;

Was read the second time.

On motion of Mr. Guion,

Said resolution was ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act to provide for the appointment of commissioners in the several states of the United States, to take acknowledgments of deeds for lands in this state, and other instruments of writing under seal;

Which was read the second time.

On motion of Mr. Guion,

Said bill was ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act for the relief of Isaac Chrisman, and for other purposes;

Was read the second time, and,

On motion of Mr. Durr,

Said bill was ordered to be engroosed for a third reading on to-morrow.

A bill to be entitled,

An act for the relief of John H. Rollins;

Was read the second time, and,

On motion of Mr. Guion,

Said bill was ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act to attach the counties of Tippah and Pontotoc, to the district chancery court at Fulton;

Was read the second time.

Mr. Acker offered the following amendment, to-wit:

Be it further enacted, That the chancery court, now held at Fulton for said district, be hereafter held at Aberdeen.

On motion of Mr. Price,

Said bill was referred to a select committee of three;

Messrs. Beene, Acker and Williams, were appointed said committee.

On motion of Mr. Adams,

A bill to be entitled,

An act to carry into effect the agreement of the State of Mississippi with the United States, in relation to the two per cent. fund;

Was read the second time by title.

On motion of Mr. Adams,

Said bill was referred to the committee on internal improvements.

A bill to be entitled,

An act to incorporate Yazoo Lodge No. 42;

Was read the second time.

On motion of Mr. Miles,

Said bill was ordered to be engrossed for a third reading on tomorrow.

A bill to be entitled,

An act to restore a board of trustees of the sixteenth section, township 5, range 3, east;

Was read the second time.

On motion,

Said bill was ordered to be engrossed for a third reading on tomorrow.

A bill to be entitled,

An act to provide for the construction of a levee on the Mississippi, for the protection and improvement of the state lands;

Was read the second time by title.

On motion of Mr. Labauve,

Said bill was referred to the committee on internal improvement.

The president resumed his seat.

A bill to be entitled,

An act to authorize the board of police in Amite county, to cre-

ate additional districts for the election of justices of the peace in said county;

Was read the second time,

And passed.

Ordered, That the title thereof be as stated.

The following message was received from the house of representatives, through Mr. Montgomery, their clerk, to-wit:

Mr. President—I am requested by the house of representatives to inform the senate, that the speaker of the house has signed an act of the following title, to-wit:

An act for the relief of Joseph Matthews Wells;

Which I am requested to present to the senate for the signature of the president.

Mr. President—I am requested by the house of representatives to inform the senate, that the house of representatives have appointed a standing committee of five on incorporations, and have appointed Messrs. Simrall, Green of Tippah, Fowles, Smith of Winston, and Beaty, on said committee.

The president signed said bills.

A bill to be entitled,

An act to amend an act entitled an act to incorporate the Chuquatontia turnpike company;

Was read the second time.

On motion of Mr. Williams,

Said bill was ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act to detach a portion of the county of Lafayette therefrom, and attach the same to the county of Marshall, and for other purposes;

Was read the second time,

And ordered to a third reading on to-morrow.

A bill to be entitled,

An act declaring Lususcoona river a navigable stream, and for other purposes;

Was read the second time.

On motion of Mr. Williams,

Said bill was ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act to establish the county site of Washington county;

Was read the second time,

And ordered to a third reading on to-morrow.

Resolutions instructing our senators and requesting our representatives in the Congress of the United States, to sustain the recommendation of the president of the United States in relation to public lands, and for other purposes;

Was read the second time,

And ordered to a third reading on to-morrow.

A bill to be entitled,

An act concerning the estate of William B. Smith, deceased, late of Warren county;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act for the relief of Leah Beasley, a woman of color;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act providing for the purchase of the book called, "North on Probate Courts;"

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

Mr. Lansdale called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Booth, Beene, Boone, Dupree, Fox, Guion, Johnson, Lumpkin, Lansdale, Metcalf, Miles, Nicholson, Pegues, Price, Ramsay, Stewart, Tillman, Turner, Wall, Williams—21 votes.

Noes—Messrs. Adams, Acker, Briscoe, Dabney, Durr, Horne, Lipscomb, Labauve and Wilburn—9 votes.

A bill to be entitled,

An act for the relief of Henry Lea, a free man of color, of the county of Warren;

Was read the second time.

On motion of Mr. Guion,

Said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Fox called up a memorial to the congress of the United States;

Which was read the second time.

Mr. Adams offered the following amendment, to-wit:

Add, "Leaf, Chickasawha and Pascagoula rivers," after the words, "Pearl river;"

Which was read and adopted.

Mr. Pegues offered the following amendment, to-wit:

Amend by adding, "Yazoo and all its tributaries;"

Which was read and adopted.

Mr. Miles offered the following amendment, to-wit:

Amend by inserting after "Yazoo and all its tributaries," "Big Black;"

Which was read and adopted.

On motion of Mr. Adams,

Said memorial, with the several amendments, was ordered to be engrossed for a third reading on to-morrow.

Mr. Boone offerred the following resolution, to-wit:

Resolved, That the members of the house of representatives from the Chickasaw cession, and also of the senate, and such of the citizens of said cession as may be present, be privileged to use the senate chamber this evening, for the purpose of deliberating on the subject of the Chickasaw lands;

Which was read and adopted.

On motion of Mr. Fox,

The senate adjourned.

FRIDAY, JANUARY 16.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Boone presented the petition of John Graham, which,

On his motion,

Was referred to the committee on propositions and grievances.

Mr. Labauve presented the memorial of Chapman Levy, in be-

half of citizens of Attala county, praying that congress be memorialized to confirm land titles;

Which was read, and,

On motion of Mr. Labauve,

Said memorial was referred to a select committee of three.

Messrs. Labauve, Hicks and Johnson, were appointed said committee.

The following message was received from the house of representatives, through Mr. Montgomery, their clerk, to-wit:

Mr. President—I am requested by the house to inform the senate, that the house of representatives refuse to concur in the resolution of the senate, for the appointment of a joint select committee to draft an apportioment bill, reducing the number of senators and representatives at least one-fourth.

They have concurred in the resolution from the senate, that the hon. John H. Horne be added to the joint select committee to draft an apportionment bill.

Mr. Labauve presented the petition of Chapman Levy, praying leave to emancipate two slaves;

Which was read, and,

On motion of Mr. Labauve,

Said petition was referred to a select committee of three.

Messrs. Labauve, Tillman and Pegues, were appointed said committee.

Mr. Adams presented the memorial of Jinsey Ellis, widow of the late Samuel Ellis;

Which was read, and,

On motion of Mr. Adams,

Said memorial was referred to the committee on claims.

On motion of Mr. Boone,

The committee on claims was discharged from the further consideration of the claims of Thomas Pearce, John W. Nicks, Joseph Wood, John W. Nicks and Fendal Whitworth.

The committee was also discharged from the resolution in relation to the hon. Wm. L. Sharkey.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The committee on enrolled bills have examined bills of the following titles:

An act to reduce the price of public printing;

An act to incorporate the Hercules Hook and Ladder Company, of Columbus, Mississippi;

An act to legalize a special term of the circuit court of the county of Madison, ordered for the first Monday of February, A. D. 1846;

And found the same correctly enrolled.

N. S. PRICE, chairman.

Mr. Adams asked, and obtained leave, to the introduction of a bill, to be entitled,

An act to authorize the transcribing, into suitable books, the records of Smith county;

Which was read the first time.

Mr. Ramsay asked, and obtained leave, to the introduction of a bill, to be entitled,

An act to amend an act entitled an act to reorganize the judicial districts of the State of Missippi, approved February 5, 1844;

Which was read the first time.

Mr. Guion asked, and obtained leave, to the introduction of a bill to be entitled,

An act for the relief of David McCaleb, of Claiborne county;

Which was read the first time.

Mr. Guion asked, and obtained leave, to the introduction of a bill of the following title, to-wit:

A bill to be entitled,

An act to amend an act entitled an act for the preservation and protection of the rights of married women, approved February 15, 1839;

Which was read the first time.

On motion of Mr. Turner,

Two hundred copies of said bill were ordered to be printed.

Mr. Adams gave notice that he would, on to-morrow, introduce a resolution proposing an amendment to the constitution of this state, giving the circuit judges chancery jurisdiction to the amount of five thousand dollars.

Mr. Lipscomb presented the claim of E. Abbott; which,

On his motion,

Was referred to the committee on claims.

The following message was received from the house of representatives, through Mr. Montgomery, their clerk:

Mr. President—I am requested by the house of representatives to inform the senate, that the house have passed a bill from the senate, entitled,

An act explanatory of an act for the incorporation of the University of Mississippi, approved February the 24th, 1844;

And have made an amendment thereto, and also an amendment to the title of the same, in which they desire the concurrence of the same.

They have concurred in the resolution of the senate, consolidating the standing committees of the two houses on internal improvement.

On motion of Mr. Briscoe,

The consideration of the amendment made by the house of representatives to the bill from the senate, to be entitled,

An act explanatory of an act for the incorporation of the University of Mississippi, approved February 24, 1844;

Was committed to the whole house, and made the order of the day for Tuesday next.

The senate took up the orders of the day.

A bill from the house of representatives to be entitled,

An act to detach a portion of the county of Lafayette therefrom, and attach the same to the county of Marshall, and for other purposes;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill from the house of representatives, to be entitled,

An act to establish the county site of Washington county;

Was read the third time.

Mr. Labauve offered the following amendment, by way of ryder, to-wit:

Sec. ——. *And be it further enacted*, That said county site shall be known by the name of Greenville;

Which was adopted,

And said bill, as amended, passed, with its ryder.

Ordered, That the title thereof be as stated.

Resolutions instructing our senators and requesting our representatives in the congress of the United States, to sustain the re-

commendations of the President of the United States in relation to public lands;

Was read the third time,

And adopted.

A bill to be entitled,

An act to change the time of holding the circuit courts in the fifth judicial district in this state, and for other purposes;

Was read the second time.

Mr. Lansdale offered the following amendment, to-wit:

Amend, by striking out all that part of the bill which relates to the fifth judicial district;

Which was read,

And adopted.

Mr. Acker offered the following amendment, to-wit:

After the second section, insert as follows, to-wit:

In the county of Choctaw, on 2d Monday of February and August, and shall continue twelve judicial days, if business so long require, and no longer.

In the county of Yalabusha, on the 4th Mondays of February and August, and shall continue twelve judicial days, if business so long require, and no longer.

In the county of Carroll, on the 1st Monday after the 4th Monday of February and August, and shall continue twelve judicial days, if business so long require, and no longer.

In the county of Tallahatchie, on the 3d Monday after the 4th Mondays of February and August, and shall continue six judicial days, if business so long require, and no longer.

In the county of Sunflower, on the 4th Monday after the 4th Mondays of February and August, and shall continue six judicial days, if business so long require, and no longer.

In the county of Chickasaw, on the 5th Monday after the 4th Mondays of February and August, and shall continue six judicial days, if business so long require, and no longer.

In the county of Monroe, on the 6th Monday after the 4th Mondays of February and August, and shall continue twelve judicial days, if business so long require, and no longer.

In the county of Octibbeha, on the 8th Monday after the 4th Mondays of February and August, and shall continue six judicial days, if business so long require, and no longer.

In the county of Lowndes, on the 9th Monday after the 4th Mondays of February and Aug ist, and shall continue twelve judicial days, if business so long require, and no longer.

On motion of Mr. Price,

Said bill, and the amendments, were re-committed to the committee of one from each judicial district.

On motion of Mr. Boone,

Mr. Acker was added to said committee.

On motion of Mr. Dabney,

Mr. Lansdale was added to said committee.

The following message was received from the house of representatives, through Mr. Montgomery, their clerk, to-wit:

Mr. President—I am requested by the house of representatives to inform the senate, that the speaker of the house of representatives has signed an act, which originated in the house of representatives, entitled,

An act concerning the estate of William B. Smith, deceased, late of Warren county;

Which I am requested to present to the senate for the signature of the president.

The president signed said bill.

A bill to be entitled,

An act to incorporate the town of Benton, in the county of Yazoo;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to amend the several acts of limitation, approved 24th February, 1844;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

Mr. Labauve, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The committee on engrossed bills, have examined engrossed bills of the following titles, to-wit:

A bill to be entitled,

An act to amend an act entitled an act to amend the several acts of limitations, approved the 24th of February, 1844;

A bill to be entitled,

An act to regulate the practice of the circuit courts in criminal cases;

A bill to be entitled,

An act to amend an act entitled an act to incorporate the Chuquatontia Turnpike Company;

A memorial to the Congress of the United States;

Resolutions amendatory of the constitution;

Resolution inserting an amendment in the constitution of this state;

A bill to be entitled,

An act to incorporate the town of Benton, in the county of Yazoo;

A bill to be entitled,

An act to incorporate Yazoo Lodge No. 42;

A bill to be entitled,

An act declaring Lususcoona river a navigable stream, and for other purposes;

A bill to be entitled,

An act for the relief of Isaac Chrisman, and for other purposes;

A bill to be entitled,

An act to restore a board of trustees of the 16th section, township 5, of range 3, east;

A bill to be entitled,

An act for the relief of Henry Lee, a free man of color, of the county of Warren;

A bill to be entitled,

An act to provide for the appointment of commissioners in the several states of the United States, to take the acknowledgments of deeds of land in this state, and other instruments of writing under seal;

A bill to be entitled,

An act for the relief of John H. Rollins;

And have found them correctly engrossed.

F. LABAUVE, chairman.

The following message was received from the house of representatives, through Mr. Montgomery, their clerk, to-wit:

Mr. President—I am requested by the house of representatives, to inform the senate, that the house have adopted the following resolution, viz:

Resolved, by the Legislature of the State of Mississippi, That the clerk of the house of representatives be required to inform his excellency, A. G. Brown, the governor of this state, that the two houses elected, on the 10th instant, by joint ballot, the hon. Joseph W. Chalmers, a senator in congress from this state, to fill the unexpired term caused by the resignation of the hon. Robt. J. Walker; and on the same day they elected Gen. Henry S. Foote, a senator in congress from this state, from and after the 4th day of March, 1847, for the term of six years, and he is hereby authorized to issue commissions to them accordingly;

In which they desire the concurrence of the senate;

Which was read, and,

On motion of Mr. Labauve,

Said resolution was concurred in.

A bill to be entitled,

An act to regulate the practice of the circuit courts in criminal cases;

Was read the third time.

Mr. Guion offered the following amendment, by way of ryder, to-wit:

Sec. ——. *Be it further enacted*, That if at any regular or special term of any circuit court in this state, there shall not be in attendance a sufficient number of the regular venire facias to such term, to constitute a grand jury in the manner now prescribed by law, the court shall award a special venire facias, directing the proper officer to summon, without delay, a sufficient number of persons, freeholders or householders, of the county, to attend upon said court, forthwith, to serve as grand jurors, and from the number of the regular venire in attendance, and the persons in attendance in obedience to such special venire, the court shall proceed to impannel a grand jury, in the manner now prescribed by law;

Which was adopted.

And said bill, with its ryder, passed.

Ordered, That the title thereof be as stated.

The following message was received from his excellency, the governor, through his private secretary:

To the Senate and House of Representatives:

During the last summer, it was believed that a portion of the labor in the penitentiary could be more profitably employed in building a wall around the capitol than any thing else. With the concurrence of the inspectors and superintendent of the prison, the work was, by my direction, commenced, and considerable progress made, when it was arrested by the inclemency of the weather.

If the legislature concurs with me in the opinion that the building should be protected by a substantial fence, it will be found necessary to make an appropriation to purchase a portion of the materials. The whole of the brick work may be done without a dollar's outlay. The stone and iron will have to be paid for, if the work is carried on. Mr. John Robb, an experienced stone cutter, in this vicinity, has quarried a quantity of stone suitable for the purpose, which he proposes to sell to the state on as good terms as it can be purchased elsewhere. The state architect, Wm. Nichols, Esq., corresponded, by my direction, with iron founders in Louisville, Cincinnati and Pittsburg, with a view of ascertaining the price at which the iron could be delivered at Vicksburg, and he is prepared to submit an exact estimate of the whole cost of the work. The capitol, in its present condition, is continually trespassed upon. This, of itself, is a good reason why the fence should be made, to say nothing of its present neglected and unseemly appearance. No contracts have been made with any person for the stone or iron, for the reason that no one had authority to make them; the whole matter is submitted to the legislature.

A portion of the roof on the north-west corner of the capitol was blown off in a violent storm, last summer. For want of a better material at hand it was replaced with shingles. The safety of the building requires that something less combustible should be substituted in place of the shingles.

A. G. BROWN.

EXECUTIVE CHAMBER,
16th January, 1846.

Which was read, and,

On motion of Mr. Wall,

Referred to the committee on public buildings.

Mr. Briscoe, from a select committee, reported a bill of the following title, to-wit:

A bill to be entitled,

An act to authorize the loan of money to Oakland College, in this state;

Which was read the first time.

Mr. Briscoe moved to dispense with the rule, and read said bill the second time by title;

Which was lost.

A resolution amendatory of the constitution;

Was read the third time,

And lost.

The vote thereon stood as follows, to-wit:

Ayes—Messrs. Booth, Beene, Dabney, Dupree, Durr, Fox, Guion, Johnson, Lipscomb, Labauve, Lansdale, Miles, Pegues, Price, Stewart, Tillman, Turner, Wall and Williams—19 votes.

Noes—Mr. President, Adams, Acker, Briscoe, Boone, Horne, Hicks, Metcalf, Ramsay and Willburn—10 votes.

A bill to be entitled,

An act for the appointment of commissioners in the several states of the United States, to take acknowledgments of deeds for lands in this state, and other instruments of writing under seal;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act for the relief of Isaac Chrisman, and for other purposes;

Was read the third time.

On motion of Mr. Wall,

Said bill was laid on the table.

A resolution inserting an amendment in the constitution of this state;

Was read the third time,

And adopted.

On motion of Mr. Willburn,

The vote rejecting a resolution amendatory of the constitution;

Was re-considered.

On motion of Mr. Miles,

Said resolution was laid on the table.

A bill to be entitled,

An act for the relief of John H. Rollins;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to incorporate Yazoo Lodge No. 42;

Was read the third time.

Mr. Labauve offered the following amendment, by way of ryder, to-wit:

Sec. ——. *Be it further enacted*, That this act may be altered, amended or repealed, at the pleasure of the legislature, with, or without the consent of the corporation;

Which was lost.

Mr. Wall called for the ayes and noes thereon, which are as follows, to wit:

Ayes—Mr. President, Adams, Acker, Beene, Boone, Dabney, Durr, Fox, Labauve, Price, Ramsay, Tillman and Willburn—13 votes.

Noes—Messrs. Booth, Dupree, Guion, Horne, Hicks, Johnson, Lipscomb, Lansdale, Metcalf, Miles, Pegues, Stewart, Turner, Wall and Williams—15 votes;

And the question was had on the passage of said bill;

Which was decided in the affirmative.

Ordered, That the title thereof be as stated.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Acker, Booth, Boone, Dupree, Durr, Fox, Guion, Horne, Hicks, Johnson, Lipscomb, Lansdale, Metcalf, Miles, Pegues, Price, Ramsay, Stewart, Tillman, Turner, Wall and Williams—24 votes.

Nays—Messrs. Beene, Dabney, Labauve and Willburn—4 votes.

Mr. Turner gave notice that he would, on to-morrow, ask leave to the introduction of a bill to be entitled,

An act to establish an additional chancery district for the southern counties of this state.

On motion of Mr. Beene,

Messrs. Boone and Price, were added to the select committee to whom was referred a bill to be entitled,

An act to attach the counties of Tippah and Pontotoc, to the district chancery court at Fulton.

On motion of Mr. Miles,

The senate adjourned until to-morrow morning, at 10 o'clock.

SATURDAY, JANUARY 17, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

MR. PRESIDENT—The house of representatives have given leave to the introduction of bills of the following titles, viz:

A bill to be entitled,

An act to amend an act entitled an act to extend the remedy by attachment and garnishment. Approved Feb. 23rd, 1844;

A bill to be entitled,

An act for the relief of William Brown;

A bill to be entitled,

An act to amend an act, approved Feb. 1844, altering and amending the act incorporating the town of Houston, in the county of Chickasaw;

A bill to be entitled,

An act to provide for a geological survey of this state;

A bill to be entitled,

An act to amend an act to regulate elections in this state. Approved March 2d, 1833;

A bill to be entitled,

An act to authorize John B. Nevitt, W. St. John Elliott and H. P. McGraw commissioners of the Natchez hospital to raise twenty thousand dollars by lottery;

A bill to be entitled,

An act to authorize the same person to hold both of the offices of circuit and probate clerk in Sunflower county;

A bill to be entitled,

An act in relation to the reports of the high court of errors and appeals;

A bill to be entitled,

An act to prescribe the mode of collecting costs in certain cases, and for other purposes;

A bill to be entitled,

An act for the relief of Abner W. Crider, of Copiah county;

A bill to be entitled,

An act to remove the civil disabilities of Baldy W. Taylor;

A bill to be entitled,

An act to increase the fees of certain officers in the county of Tunica;

A bill to be entitled,

An act to incorporate Tappan Lodge No. 59, of free and accepted masons;

A bill to be entitled,

An act to divide the police districts known as the south-western district in Yalobusha county into two separate magistrate districts, and for other purposes;

A bill to be entitled,

An act to authorize the mayor and aldermen of the city of Jackson to erect a bridge across Pearl river;

A bill to be entitled,

An act to emancipate certain slaves therein named;

A bill to be entitled,

An act to declare the embezzling and unlawfully using of public money in this state to be felony, and for other purposes;

A bill to be entitled,

An act regulating the practice of circuit courts;

A bill to be entitled,

An act to revive an act to incorporate eagle rail road and turnpike company;

A bill to be entitled,

An act to change the name of Elizabeth Vines to Elizabeth George Wilson;

A bill to be entitled,

An act to repeal an act to prohibit the introduction of slaves into this state as merchandize or for sale, approved May 13th, 1837; and for other purposes;

A bill to be entitled,

An act to change the time of holding the probate court in the county of Jasper;

And have passed a bill to be entitled,

An act for the benefit of Rufus Ford;

In which I am instructed to desire the concurrence of the senate.

They have also passed a bill from the senate entitled,

An act to change the times of holding the circuit court of Tallahatchie county;

And have concurred in the joint resolutions from the senate pledging the state of Mississippi to the support of the general government in maintaining the national rights to the Oregon territory.

Mr. Guion presented the petition of William E. T. Griffeth;

Which was read; and,

On motion of Mr. Guion,

Said petition was referred to a select committee of three.

Messrs. Guion, Stewart and Metcalf were appointed said committee.

Mr. Price presented the claim of Elijah M. Rogers, Sam'l N. Pryor, Hardy W. Byrne, Sam'l N. Pryor, H. P. Maxwell, E. M. Rogers; which,

On motion of Mr. Price,

Were referred to the committee on claims.

Mr. Boone presented the claim of William L. Duncan; which,

On his motion,

Was referred to the committee on claims.

Mr. Miles asked and obtained leave to the introduction of a bill to be entitled,

An act to settle the construction of the ninth section of an act entitled an act to define the duties of the auditor of public accounts, and to fix his salary. Approved March 2d, 1833;

Which was read the first time.

Mr. Stewart offered the following resolution, to-wit:

Resolved, That the auditor of public accounts be instructed to transmit to the senate a list of taxes assessed in the several counties of the state for the year 1844;

Which was read,

And adopted.

Mr. Lipscomb offered the following resolution, to-wit:

Resolved, (the house concurring,) That the committee to whom was referred that portion of the Governor's message in relation to

to the census and apportionment of senators and representatives amongst the several counties in this state be instructed to report a bill fixing the number of senators at 32, and that no senator shall represent less than —— inhabitants; and that after apportioning one member to each county, the counties having over 4000 inhabitants, shall have a second representative, and those counties having 7000 inhabitants, shall have three representatives, and those counties having 9000 inhabitants or upwards, shall have four representatives;

Which was read;

And by rule lies over one day.

Mr. Guion moved the re-consideration of a vote taken yesterday, on the passage of a bill to be entitled,

An act to amend an act entitled an act to amend the several acts of limitation, approved February 24th, 1844;

Which was lost.

Mr. Turner asked and obtained leave to the introduction of a bill to be entitled,

An act to establish an inferior court of chancery for the southern district of Mississippi;

Which was read the first time.

On motion of Mr. Wall,

The constitutional rule was dispensed with,

And said bill was read the second time by title;

And one hundred and fifty copies of said bill ordered to be printed.

Mr. Lipscomb asked and obtained leave to the introduction of a bill to be entitled,

An act to authorize Peter B. Starke to erect a toll bridge across the Noxubee river at the point at which the road known as the Robinson road crosses the same, and for other purposes;

Which was read the first time.

On motion of Mr. Lipscomb,

The constitutional rule was dispensed with,

And said bill read the second time by title; and,

On the further motion of Mr. Lipscomb,

Said bill was considered as engrossed for a third reading forthwith.

Mr. Lipscomb offered the following amendment, to-wit:

Resolved, That the blank in said bill be filled with the number of 20;

Which was adopted;

And said bill, as amended, was read the third time forthwith,

And passed.

Ordered, That the title thereof be as stated.

The senate took up the the message from the house of representatives, last received.

A bill to be entitled,

An act for the relief of Rufus Ford;

Was read the first time.

On motion of Mr. Adams,

A memorial to the congress of the United States, was referred to a select committee of five.

Messrs. Fox, Adams, Pegues, Miles and Dupree were appointed said committee.

Mr. Turner offered the following resolution, to-wit:

I ask leave to move a resolution referring the claim of Judge Sharkey to a select committee of three members;

And the question was had on the adoption of the resolution;

Which was decided in the affirmative.

Messrs. Turner, Guion and Booth were appointed said committee.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

Mr. President—I am requested by the house of representatives to inform the senate that the speaker of the house has signed an act which originated in the house of representatives of the following title, to-wit:

An act concerning the estate of William B. Smith, deceased, late of Warren county;

Which I am requested to present to the senate for the signature of the president.

The president signed said bill.

A bill to be entitled,

An act declaring Lususcoona river a navigable stream, and for other purposes;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to amend an act entitled an act to incorporate the Chouquatontia turnpike company;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to restore a board of trustees of the 16th section, township five, of range three east;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act for the relief of Henry Lee, a free man of color, of the county of Warren;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

Mr. Horne called for the ayes and noes thereon, which are as follows, viz:

Ayes—Messrs. Adams, Booth, Beene, Boone, Dabney, Dupree, Fox, Guion, Labauve, Lansdale, Pegues, Price, Stewart, Tillman, Turner, Wall and Williams—17 votes.

Noes—Mr. President, Acker, Durr, Horne, Hicks, Johnson, Lipscomb, Metcalf, Ramsay and Wilburn—10 votes.

A bill to be entitled,

An act to authorize the transcribing into suitable books the records of Smith county;

Was read the second time.

On motion of Mr. Adams,

Said bill was ordered to be engrossed for a third reading on Monday next.

A bill to be entitled,

An act to amend an act entitled an act to re-organize the judicial districts of the state of Mississippi, approved Feb. 3d, 1844;

Was read the second time;

And ordered to be engrossed for a third reading on Monday next.

A bill to be entitled,

An act for the relief of David McCaleb, of Claiborne county;

Was read the second time.

On motion of Mr. Guion,

Said bill was ordered to be engrossed for a third reading on Monday next.

A bill to be entitled,

An act to amend an act entitled an act for the preservation and protection of the rights of married women, Approved February 15th, 1839;

Was read the second ttme.

On motion of Mr. Guion,

Said bill was committed to the whole house,

And made the order of the day for Tuesday next, 12 o'clock, m.

A bill to be entitled,

An act to authorize a loan of money to Oakland college in this state;

Was read the second time.

On motion of Mr. Briscoe,

Said bill was committed to the whole house,

And made the order of the day for Tuesday next.

Mr. Adams asked and obtained leave to the introduction of a resolution of the following title, to-wit:

Resolution to amend the constitution of the state of Mississippi;

Which was read the first time.

Mr. Guion, from a select committee, reported a bill to be entitled,

An act for the relief of William E. T. Griffeth, a minor, of the county of Adams;

Which was read the first time.

Mr. Acker asked and obtained leave to the introduction of a bill to be entitled,

An act to define the powers and duties of the board of police of Monroe county;

Which was read the first time.

On motion of Mr. Guion,

The senate adjourned till to-morrow morning 10 o'clock.

MONDAY, JANUARY 19, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Miles presented the petition of sundry tax payers of the county of Claiborne;

Which was read; and,

On motion,

Referred to a select committee of five.

Messrs. Miles, Briscoe, Tillman, Stewart and Booth were appointed said committee.

Mr. Labauve, from the committee on engrossed bills, made the following report, to-wit:

MR. PRESIDENT—The standing committee on engrossed bills have examined engrossed bills of the following titles, to-wit:

A bill to be entitled,

An act to amend an act entitled an act to re-organize the judicial districts of the state of Mississippi, Approved Feb. 3d, 1844;

A bill to be entitled,

An act to authorize the transcribing into suitable books the records of Smith county;

A bill to be entitled,

An act for the relief of David McCaleb, of Claiborne county;

And have found the same correctly engrossed.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

MR. PRESIDENT—The house of representatives have given leave to the introduction of bills of the following titles, viz:

A bill to be entitled,

An act to declare Line creek a navigable stream, and for other purposes;

A bill to be entitled,

An act better to provide for assessing and collecting taxes in certain counties therein named, and for other purposes;

A bill to be entitled,

An act to define the powers of the county police of Covington county, in relation to the 3 per cent. fund;

A bill to be entitled,

An act for the relief of George Holley, of Harrison county;

A bill to be entitled,

An act to repeal an act entitled an act to exempt from sale, under execution, certain property therein named, Approved January 22d, 1841;

A bill to be entitled,

An act to incorporate the Phœnix engine company, No. 2, of Vicksburg;

A bill to be entitled,

An act to incorporate Fulton engine company, No. 3, of Vicksburg;

A bill to be entitled,

An act concerning sheriffs receipts;

A preamble and resolutions asking congress to erect light houses, establish a mail route on the sea coast of Mississippi, &c., &c.

They have passed bills of the following titles, viz:

A bill to be entitled,

An act to run the line between the counties of Chickasaw and Oktibbeha, and for other purposes;

A bill to be entitled,

An act to organize the counties of Perry and Clarke;

A bill to be entitled,

An act to change the time of holding the probate court of the county of Lauderdale;

A bill to be entitled,

An act to incorporate the town of Gainesville, in the county of Hancock;

In which I am instructed to desire the concurrence of the senate.

The senate took up said message:

A bill to be entitled,

An act to change the time of holding the probate court of the county of Lauderdale;

Which was read the first time.

A bill to be entitled,

An act to incorporate the town of Gainesville, in the county of Hancock;

Was read the first time.

On motion of Mr. Wall,

The constitutional rule was dispensed with,
And said bill read the second time by title; and,
On the further motion of Mr. Wall,
The rule was further dispensed with,
And said bill read the third time forthwith,
And passed.
Ordered, That the title thereof be as stated.
A bill to be entitled,
An act to organize the counties of Clarke and Perry;
Was read the first time.
A bill to be entitled,
An act to run the line between the counties of Chickasaw and Oktibbeha, and for other purposes;
Was read the first time.
Mr. Guion presented the communication of A. Russell, accompanied by a bill of the following title, to-wit:
A bill to be entitled,
An act to attach a portion of the county of Yazoo to the county of Warren;
Which was read the first time.
Mr. Stewart presented the claim of John Slade, constable; which,
On his motion,
Was referred to the committee on claims.
Mr. Horne asked and obtained leave to the introduction of a bill to be entitled,
An act amendatory of an act allowing fees of sheriffs and constables in certain cases;
Which was read the first time.
Mr. Boone asked and obtained leave to the introduction of a bill of the following title, to-wit:
A bill to be entitled,
An act for the relief of securities due the state of Mississippi, on account of the sinking fund, seminary fund and town lot fund in the city of Jackson;
Which was read the first time.
Mr. Adams asked and obtained leave to the introduction of a memorial to the congress of the United States, in relation to the connection of the Mississippi river with the Atlantic;

Which was read; and,

On motion of Mr. Adams,

Referred to a select committee of three.

Messrs. Adams, Durr and Ramsay were appointed said committee.

The senate proceeded to the consideration of the orders of the day.

A bill to be entitled,

Act for the relief of Rufus Ford;

Was read the second time.

Mr. Guion offered the following amendment, to-wit:

Amend by inserting in the fourth line from the top, before the word 'rights,' the word 'civil';

Which was read,

And adopted;

And said amendment ordered to be engrossed for a third reading with said bill on to-morrow.

A bill to be entitled,

An act to settle the construction of the ninth section of an act entitled an act to define the duties of the auditor of public accounts, and to fix his salary, approved March 2d, 1833;

Was read the second time;

And ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act to authorize the transcribing into suitable books the records of Smith county;

Was read the third time,

And lost.

On motion of Mr. Lansdale,

Said vote was reconsidered.

Mr. Turner offered the following amendment, by way of ryder, to-wit:

Insert, after the conclusion of first section, 'to be paid out of the treasury of the county aforesaid';

Which was adopted;

And said bill, with its ryder, passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to amend an act entitled an act to re-organize the judi-

cial districts of the state of Mississippi, approved Feb. 3rd, 1844;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

The senate resolved itself into the committee of the whole, on a bill of the following title, to-wit:

A bill to be entitled,

An act to amend the constitution of the state of Mississippi;

And, after some time spent therein,

The committee rose; and,

Mr. Turner reported back said bill,

And asked leave to sit again.

On motion of Mr. Turner,

The report was received,

And leave granted.

Resolutions to amend the constitution of the state of Mississippi;

Were read the second time.

Mr. Lansdale offered the following amendment, to-wit:

Amend the first resolution so as to give the circuit courts 'exclusive' equity jurisdiction;

Which was read and adopted;

And said resolution, as amended, ordered to be engrossed for a third reading on to-morrow.

Mr. Guion called for the ayes and noes on the engrossment thereof, which are as follows, to-wit:

Ayes—Messrs. Adams, Briscoe, Beene, Dabney, Durr, Fox, Horne, Hicks, Johnson, Lipscomb, Labauve, Lansdale, Metcalf, Pegues, Ramsay, Tillman, Wall, Williams and Willburn—19 votes.

Noes—Mr. President, Acker, Booth, Boone, Dupree, Guion, Miles, Nicholson, Price, Stewart, Turner—11 votes.

A bill to be entitled,

An act for the relief of David McCaleb, of Claiborne county;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act for the relief of William E. T. Griffeth, a minor, of the county of Adams;

Was read the second time;

And ordered to be engrossed for a third reading on to-morrow.

Resolutions on the governor's message, in relation to the census and apportionment;

Were read the second time,

And lost.

Mr. Wall called for the ayes and noes thereon, which are as follows, to-wit:

Ayes———

Noes—Mr. President, Adams, Acker, Briscoe, Booth, Beene, Boone, Dabney, Dupree, Durr, Fox, Guion, Horne Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Lansdale, Metcalf, Miles, Nicholson, Pegues, Price, Ramsay, Stewart, Tillman, Turner, Wall, Williams and Willburn—31 votes.

Mr. Boone offered the following resolution, to-wit:

Resolved, That no claims will be received against the state, and referred to the committee on claims, after the 10th day of February next;

Which was read,

And adopted.

Mr. Turner, from a select committee, to whom had been referred a bill to be entitled,

An act to provide for the more speedy trial of slaves;

Reported said bill back without amendment;

Which report was received,

And agreed to.

On motion of Mr. Turner,

Said bill was laid on the table.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

The joint standing committee on enrolled bills have this day presented to his excellency, the governor, for his approval and signature,

An act to reduce the price of public printing;

An act to incorporate the Hercules hook and ladder company, of Columbus, Mississippi;

An act to prescribe the time of holding the probate courts in the counties of Chichasaw, Monroe, Tishemingo and Noxubee;

An act for the relief of Joseph Matthews Wells;

An act for the relief of Charles Anderson, of Pontotoc coun

N. S. PRICE, Chairman.

January 19th, 1846.

A bill to be entitled,

An act to define the powers and duties of the board of police Monroe county;

Was read the second time.

Mr. Williams offered the following amendment, to-wit:

Insert, after 'Monroe,' the words 'and Chichasaw';

Which was adopted.

On motion of Mr. Williams,

Said bill, as amended, was ordered to be engrossed for a th reading on to-morrow.

Mr. Lumpkin presented the communication of Robert Davis;

Which was read.

He also accompanied said communication with a bill of the f lowing title, to-wit:

A bill to be entitled,

An act for the relief of Robert Davis, of the county of Pano

Which was read the first time.

On motion of Mr. Lumpkin,

The constitutional rule was dispensed with,

And said bill read the second time by title.

On motion of Mr. Price,

Said bill was laid on the table.

On motion of Mr. Miles,

The senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, January 20, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Guion presented the testimonials of Nancy Alston, which

On his motion,

Was referred to a select committee of three.

Messrs. Guion, Turner and Dupree, were appointed said com mittee.

Mr. Labauve, from the committee on engrossed bills, made the following report, to-wit:

Mr. President—The committee on engrossed bills have examined bills of the following titles, to-wit:

A bill to be entitled,

An act to settle the construction of the ninth section of an act entitled an act to define the duties of the auditor of public accounts, and to fix his salary, approved March 2d, 1833;

A bill to be entitled,

An act for the relief of William E. T. Griffith, a minor of the county of Adams;

A bill to be entitled,

An act to define the powers and duties of the board of police of Monroe and Chickasaw counties;

Resolutions to amend the constitution of the State of Mississippi;

A bill to be entitled,

An act for the benefit of Rufus Ford;

And have found them correctly engrossed.

F. LABAUVE, chairman.

The following message was received from his excellency, the governor, through his private secretary, to-wit:

Mr. President—I am instructed by his excellency, the governor, to inform the senate, that he has, this day, approved and signed bills of the following titles, to-wit:

An act to reduce the price of public printing;

An act for the relief of Charles Anderson, of Pontotoc county;

An act to incorporate the Hercules hook and ladder company, of Columbus, Mississippi;

An act to legalize a special term of the circuit court of the county of Madison, ordered for the first Monday of February, A. D. 1846;

An act to prescribe the time of holding the probate courts in the counties of Chickasaw, Monroe, Tishemingo and Noxubee;

All which said bills originated in the senate.

Also, An act concerning the estate of William B. Smith, deceased, late of Warren county;

An act for the relief of Joseph Matthews Wells;

Both of which bills originated in the house of representatives.

Mr. Price presented the memorial of Thomas Moore, tax collector of Tippah county for the year 1842;

Which was read, and,

On his motion,

Referred to a select committee of three.

Messrs. Price, Matthews and Boone, were appointed said committee.

The president announced that he had received from the auditor of public accounts, a communication in relation to the taxes assessed in the several counties of this state, for the year 1845, which communication is as follows, to-wit:

A STATEMENT, SHOWING THE AMOUNT OF TAXABLE PROPERTY IN THE STATE OF MISSISSIPPI, AND THE STATE TAX ACCRUING THEREON FOR THE YEAR 1845.

Counties.	Money loaned or employed in purchase of bills, bonds, checks, &c.	Merchandize sold by regular merchants.	Value of pianos.	Value of ferries, toll bridges, and turnpikes.	Value of pleasure carriages.	Value of bank stock.	Value of clocks.	Value of watches.	Value of saddle, carriage, or livery stable horses.	Value of gold and silver manufactured articles, over $50 worth.	Value of merchandize sold at auction, or by private venders.	Number of Bowie knives.	No. of pistols.	No. of 9 or 10 pin alleys.	No. of theatres.	No. of race tracts.	No. of cattle over 20 head.	Price per season of stallions.	Price per season of jacks.	No. of free white polls.	No. of free colored persons.	No. of slaves over 5 and under 60 years of age.	No. of slaves under 5 years old.	No. of acres of land taxable.	Value of land taxable.	Aggregate tax of the State for 1845.	
																										Dollars.	Cts.
Adams,	$295,259 00	$889,280 00	$26,075 00	$1,600 00	$45,685 00	$4,641,100 00	$6,307 00	$30,691 00	$49,304 00	$24,691 00	$	7	110	4	1	1	8,641	$82 00	$	887	18	11,029	3,076	244,660	$4,028,406	$39,132	13
Attala,	5,185 00	23,822 00	435 00	300 00	2,650 00		2,374 00	1,842 00	1,175 00		100 00	5	18				1,554	34 00	3 00	724		1,043	334	276,250	398,964	2,732	93
Amite,	84,891 00	49,122 00	1,717 00	450 00	6,790 00		5,288 00	8,329 00	8,090 00	138 00		7	16				3,818	16 00	9 00	664	4	4,407	1,261	207,368	590,482	6,444	25
Bolivar,			450 00				316 00	1,295 00	699 00								1,402			110		971	275			2,726	46
Carroll,	9,274 00	229,305 00	4,200 00		12,533 00		5,074 00	8,860 00	7,790 00	210 00		4	20				4,068	44 00		1,320	3	5,309	1,577	475,931	1,520,552	10,835	09
Chickasaw,	7,314 00	43,886 00	700 00	5,000 00	5,218 00		3,357 00	2,299 00	2,080 00			3	21				4,230	38 00	26 00	1,198		2,351	761	535,616	919,039	5,767	48
Choctaw,	8,811 00	17,034 00	155 00		1,085 00		2,302 00	1,204 00	220 00			1	4				892	45 00		1,049	2	1,509	546	340,640	584,368	3,774	35
Copiah,	300 00	13,750 00	525 00	200 00	2,350 00		1,388 00	1,295 00	1,745 00			1	6				1,587	54 00	5 00	866		3,011	995		1,138,333	6,539	66
Clarke,	4,203 00	4,675 00	300 00		560 00		1,153 00	723 00	1,395 00			1	3				2,507	26 00		432	1	836	268	73,655	203,122	1,687	11
Covington,	16,070 00	5,300 00		100 00	550 00		916 00	452 00	780 00				8				3,069	5 00		299		650	245	35,531	73,216	1,080	24
Coahoma,							232 00	1,062 00					6				495	15 00	5 00	301	3	523	143		279,926	1,497	44
Claiborne,	24,818 00	298,094 00	10,360 00	650 00	20,960 00	4,384,400 00	2,773 00	19,433 00	24,465 00	2,640 00	400 00	6	44				6,938	30 00		756	11	7,431	2,137	267,049	2,404,549	16,968	47
Desoto,	25,960 00	40,327 00	600 00	600 00	10,225 00		2,715 00	3,956 00	3,402 00			3	28				1,924	62 00		1,367		4,227	1,305		2,137,086	11,114	31
Franklin,	6,050 00	5,400 00	900 00		2,640 00	200 00	2,651 00	3,810 00	6,917 00	165 00		4	17				2,623	28 00	5 00	390	2	2,191	618		497,213	3,785	74
Greene,	4,499 00	400 00		650 00	75 00		859 00	175 00	280 00			1					4,300	5 00		193		377	136	38,260	32,112	588	79
Hinds,	61,379 00	570,418 00	14,655 00	6,350 00	34,615 00		7,062 00	84,200 00	24,083 00	2,570 00	1,920 00	10	99	4	1		6,380	76 00	36 00	1,940	13	10,024	2,993		3,112,170	22,191	07
Holmes,	12,100 00	99,055 00	2,910 00	2,500 00	14,200 00		3,825 00	7,683 00	7,497 00	160 00		9	39				3,025	74 00		1,006	1	4,927	1,405	411,547	1,237,833	9,435	03
Hancock,	7,075 00	9,282 00	185 00		7,205 06		817 00	2,052 00	730 00	25 00		1	15	1			8,250			187	5	665	214	58,935	292,183	1,736	56
Harrison,	300 00	8,635 00	575 00	50 00	235 00		722 00	1,103 00	250 00	104 00		2	1				5,296			271		322	102	44,850	92,581	815	84
Itawamba,	8,444 00	47,944 00		150 00	1,095 00		2,745 00	1,400 00	890 00		350 00	1	23				2,032	55 00	24 00	1,243	1	990	325		614,106	3,110	05
Issaquena,																										6,630	59
Jasper,	810 00	10,164 00		900 00	2,543 00		1,090 00	1,340 00				1	9				2,424	29 00	6 00	464	1	1,031	346	143,594	222,283	2,009	48
Jackson,	2,650 00	6,130 00	210 00	395 00	300 00		900 00	358 00						1			4,328	14 00		201	5	335	123	79,520	119,227	859	11
Jones,	250 00	100 00		25 00			195 00	30 00									2,743	4 00		187		122	45		11,507	269	38
Jefferson,	9,723 00	102,147 00	4,800 00	1,000 00	15,600 00		2,576 00	9,833 00	15,425 00	1,010 00		2	12				6,126	49 00	11 00	555	9	7,058	2,250	225,851	1,141,879	10,781	92
Kemper,	6,130 00	34,800 00	2,775 00		5,955 00		2,386 00	3,205 00	1,685 00			2	9				2,123	40 00	5 00	921	1	2,723	883		441,508	4,399	29
Lauderdale,	9,138 00	38,259 00			945 00		2,049 00	889 00	318 00		2,019 00	2	13	3			911	24 00		771		1,320	460		287,543	2,663	27
Lawrence,	10,330 00	33,130 00	300 00	325 00	540 00		2,513 00	3,081 00	1,650 00	100 00		1	15				2,191	30 00	10 00	611	1	1,792	607	118,809	230,215	2,798	08
Lafayette,	4,740 00	34,824 00	2,025 00	2,300 00	3,685 00		1,865 00	2,512 00	1,555 00	50 00							1,304	52 00	6 00	1,017	1	2,755	839		984,004	6,319	53
Lowndes,	110,882 00	419,442 00	12,980 00	22,266 00	34,340 00		6,234 00	22,433 00	19,020 00	1,456 00	6,074 00	9	59		1		2,626	44 00	23 00	1,490	9	8,553	2,411	366,001	1,895,873	16,210	33
Leake,		9,050 00	150 00	690 00	530 00		1,052 00	392 00	510 00				10				1,961	16 00		423	1	657	215	236,093	291,319	1,743	22
Madison,	52,280 00	178,329 00	7,975 00	1,300 00	34,116 00	600,000 00	3,282 00	15,743 00	16,180 00	803 00		7	79				6,932	5 00	3 00	1,009	2	10,033	2,848		2,778,769	20,255	33
Marshall,	35,329 00	142,488 00	8,425 00		28,935 00	58,620 00	4,477 00	11,115 00	8,497 00	540 00		3	40				1,617	97 00	7 00	1,696	2	7,335	2,018		2,426,865	15,583	31
Monroe,	7,390 00	245,765 00	5,175 00	7,000 00	17,750 00		2,969 00	9,414 00	5,135 00			1	24				1,807	32 00	24 00	1,158	2	5,324	1,513		1,305,850	10,137	32
Marion,	80,416 00	9,610 00	30 00	800 00	1,335 00		1,024 00	955 00		150 00			2				8,020	20 00		351		1,457	460	76,816	111,974	2,132	86
Noxubee,	20,600 00	122,172 00	3,575 00	585 00	20,265 00		3,386 00	7,058 00	8,107 00		500 00	2	54				2,947	71 00	36 00	1,110	1	7,312	2,178		1,541,406	12,265	83
Neshoba,	2,808 00	9,166 00	200 00		1,495 00	16,156 00	748 00	737 00	250 00				4				2,274	11 00		367		553	173		256,587	1,541	29
Newton,	509 00	4,435 00			154 00		1,161 00	201 00	50 00			2	4				2,538	14 00	11 00	402		558	210	177,306	446,617	2,087	28
Oktibbeha,	13,776 00	41,880 00	2,140 00	150 00	10,445 00		2,402 00	4,295 00	4,149 00			1	24				1,973	61 00	110 00	661	4	2,656	780	322,663	788,866	5,416	79
Panola,	30,856 00	76,979 00	1,420 00	2,050 00	9,785 00		1,511 00	7,076 00	4,790 00	70 00		3	35				2,934	80 00	5 00	805	1	3,427	1,039	355,479	1,584,133	8,741	64
Pike,	39,953 00	27,624 00	950 00	200 00	1,525 00	150,000 00	3,072 00	2,228 00	1,265 00	20 00		1	9				2,238	49 00		561	1	1,856	610		211,776	3,205	10
Pontotoc,	6,792 00	94,533 00	2,970 00		4,744 00		2,890 00	3,574 00	1,700 00			1	15				1,198	30 00	5 00	966	1	1,944	634		999,833	5,620	90
Rankin,	703 00	20,800 00	400 00		2,195 00		1,379 00	1,577 00	285 00			2	5				1,509	31 00	10 00	583		1,633	521	361,447	938,747	4,732	50
Perry,	4,385 00	830 00		275 00	135 00		640 00	305 00	290 00				3				8,190			209		381	146	40,645	42,025	670	57
Scott,	1,054 00	29,861 00			1,165 00		1,218 00	1,062 00	295 00			1	1				1,613	13 00		334	1	512	186	201,317	323,730	1,732	45
Sunflower,	(tax for 1844	and 1845,)		56 00	550 00		155 00	397 00	425 00	50 00		1					393			106		284	66	123,198	862,347	5,692	97
Simpson,	7,115 00	5,650 00		1,892 00	325 00		615 00						2				2,119	24 00	10 00	426		863	271		116,104	1,400	11
Smith,	1,822 00	5,400 00			260 00		2,080 00	693 00	610 00								2,883	15 00		393		512	183	38,314	124,186	1,075	86
Tippah,	10,277 00	94,014 00	1,010 00	2,000 00	2,945 00		4,680 00	3,776 00	3,142 00			3	27				955	75 00	18 00	1,764		2,391	754	551,028	1,253,900	7,251	28
Tishemingo,	2,734 00	76,357 00	350 00	1,115 00	1,670 00		2,507 00	1,623 00	1,390 00			2	4	1			818	55 00	12 00	1,395	2	887	276	465,859	588,523	3,622	13
Tallahatchie,	4,162 00	19,810 00	300 00		1,135 00		541 00	1,644 00	1,415 00			2	4				1,451	15 00		408	2	1,541	366		730,666	3,748	14
Tunica,			250 00	500 00			185 00	25 00	75 00								1,050			50		238	84		2,096,933	6,543	67
Washington,																				249						12,063	00
Warren,	291,623 00	1,006,428 00	14,235 00		22,370 00	100,000 00	3,939 00	36,620 00				22	187		1					1,694		8,386	2,310	272,971	4,464,083	27,331	93
Wayne,	2,805 00	440 00	300 00	174 00	546 00		491 00	963 00	760 00				12				4,609	22 00	7 00	189		848	305	53,296	77,796	1,180	89
Wilkinson,	24,340 00	78,944 00	610 00		20,820 00		4,921 00	11,760 00	16,830 00	250 00		5	17	1			5,491	40 00	6 00	628	2	7,578	2,251	225,690	1,994,533	13,584	23
Winston,	3,213 00	53,048 00	830 00	200 00	4,840 00		1,675 00	3,686 00	2,700 00		100 00	4	19				1,774	39 00	7 00	672	1	1,593	513		657,000	4,055	92
Yazoo,																										17,245	77
Yallabusha,	25,405 00	201,457 00	3,020 00	950 00	8,160 00		5,177 00	8,739 00	5,170 00	70 00		4	29				2,294	91 00		1,417		5,059	1,583		743,253	8,282	68
Total,	$1,406,937	$5,462,855	$140,457	$65,148	$425,778	$9,950,476	$129,961	$311,198	$270,460	$35,172	$11,463	150	1185	15	3	2	169,395	$1881	$445	41,524	114	174,253	49,091	7,562,387	$54,060,330	$413,777	95

AUDITOR'S OFFICE, JACKSON, JANUARY 24TH, 1846.

HON. JAMES WHITFIELD, *Speaker of the House of Representatives:*—

Sir: In compliance with a Resolution of the House of Representatives of the 22d instant, I have the honor to present you the above statement, giving a detailed exhibit of the taxable property of the State, with the amount of taxes assessed upon the same in each county for the year 1845. It will be perceived that the number of acres of land in many of the counties, and the value of the land in Washington county, are not given, and in Yazoo county, nothing is given except the amount of taxes due: most of the items of property in Washington and Issaquena counties, are also omitted. The reason of this is, the assessment books are not added up, and it would require more labor and time to make the additions, than my own time, or that of the Legislature would permit. Had all the assessment books been in the same situation, it would have required at least three months labor to have made out the above table, and complied with the request contained in the resolution of the House.

I have the honor to be, most respectfully, your obedient servant,

JAMES E. MATTHEWS, Auditor of Public Accounts.

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Which was read.

Mr. Lansdale moved to print 150 copies thereof.

Mr. Matthews moved to print 200 copies thereof;

Which was accepted by Mr. Lansdale;

And the question being had thereon,

It was decided in the affirmative.

Mr. Adams, from a select committee to whom had been referred the memorial to the Congress of the United States, asking the grant of land to aid in the construction of the Eastern rail road, reported said resolution back without amendment;

Which report was received.

The following message was received from the house of representatives, through Mr. Montgomery, their clerk, to-wit:

Mr. President—I am requested by the house to inform the senate, that the house of representatives have passed a bill from the senate to be entitled,

An act to authorize Peter B. Starke to erect a toll bridge across the Noxubee river, at the point at which the road known as the Robinson road, crosses the same, and for other purposes;

And have made sundry amendments thereto;

In which they desire the concurrence of the senate.

The senate took up said message.

On motion of Mr. Dabney,

The senate concurred in the amendments made by the house of representatives to a bill from the senate to be entitled,

An act to authorize Peter B. Starke to erect a toll bridge across the Noxubee river, at the point at which the road known as the Robinson road, crosses the same, and for other purposes.

Mr. Tillman, from a select committee, reported a bill of the following title, to-wit:

A bill to be entitled,

An act for the relief of Thomas A. Willis, and others;

Which was read the first time.

On motion of Mr. Tillman,

The constitutional rule was dispensed with,

And said bill read the second time by title.

And, on the further motion of Mr. Tillman,

Said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Acker called for the ayes and noes on the engrossment thereof, which are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Booth, Dabney, Dupree, Fox, Guion, Metcalf, Miles, Nicholson, Stewart, Tillman, Turner, Wall and Williams—16 votes.

Noes—Messrs. Acker, Beene, Boone, Durr, Horne, Hicks, Johnson, Lipscomb, Labauve, Lansdale, Matthews, Pegues, Ramsay and Willburn—15 votes.

Mr. Price, on his motion,

Was excused from voting.

The senate proceeded to the consideration of the orders of the day.

A bill to be entitled,

An act to change the time of holding the probate court in the county of Lauderdale;

Was read the second time.

On motion of Mr. Durr,

The constitutional rule was dispensed with,

And said bill read the third time forthwith, by title,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to organize the counties of Perry and Clarke;

Was read the second time.

On motion of Mr. Ramsay,

The constitutional rule was dispensed with,

And said bill read the third time forthwith,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to run the line between the counties of Chickasaw and Octibbeha;

Was read the second time.

On motion of Mr. Williams,

The constitutional rule was dispensed with,

And said bill read the third time forthwith,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act for the relief of Rufus Ford;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

The senate resolved itself into committee of the whole, on a bill of the following title, to-wit:

A bill to be entitled,

An act to establish an inferior court of chancery in the southern part of this state;

And, after some time spent therein, the committee rose, and

Mr. Wall reported said bill, with sundry amendments.

On motion of Mr. Wall,

Said report was received and agreed to; and,

On the further motion of Mr. Wall,

Said bill, and the amendments, were laid on the table.

A bill to be entitled,

An act to attach a portion of the county of Yazoo to the county of Warren;

Was read the second time.

On motion of Mr. Miles,

Said bill was referred to a select committee of three.

Messrs. Guion, Miles and Stewart, were appointed said committee.

A bill to be entitled,

An act amendatory of an act allowing fees to sheriffs and constables in certain cases;

Was read a second time.

Mr. Nicholson offered the following amendment, to-wit:

Amend by inserting the word "Pike," after the word "Adams;"

Which was adopted.

On motion of Mr. Wall,

Said bill, as amended, was ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act for the relief of securities due the State of Mississippi on account of the sinking fund, seminary fund, and town lot fund, in the city of Jackson;

Was read the second time.

On motion of Mr. Miles,

Said bill was referred to a select committee of three.

Messrs. Miles, Boone and Hicks, were appointed said committee.

A bill to be entitled,

An act to settle the construction of the ninth section of an act entitled an act to define the duties of the auditor of public accounts and to fix his salary, approved March 2d, 1833;

Was read the third time.

On motion of Mr. Miles,

Said bill was referred to the committee appointed on a bill entitled,

An act for the relief of securities due the State of Mississippi on account of the sinking fund, seminary fund, and town lot fund, in the city of Jackson.

Resolutions to amend the constitution of the State of Mississippi;

Were read the third time.

On motion of Mr. Adams,

Said resolutions were referred to a select committee of five.

Messrs. Adams, Lansdale, Guion, Nicholson and Matthews, were appointed said committee.

Mr. Fox, from a select committee to whom had been referred a memorial to the congress of the United States, reported said resolutions back, with the following amendment, to wit:

Strike out all the rivers after the word "Pearl river," where it may occur.

Mr. Fox moved that said report be received and agreed to.

Mr. Guion called for a division of the question;

Which was had;

First, upon the reception of said report;

Which was decided in the affirmative.

On motion of Mr. Guion,

The report was agreed to.

On motion of Mr. Wall,

Said resolutions, as amended, were ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act for the relief of William E. T. Griffith, a minor of the county of Adams;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to define the powers and duties of the boards of police of Monroe and Chickasaw counties;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

On motion of Mr. Wall,

The committee of the whole were discharged from the consideration of bills of the following titles, to-wit:

A bill to be entitled,

An act to authorize a loan of money to Oakland College, in this state;

Amendments made by the house of representatives to a bill from the senate, entitled,

An act explanatory of an act for the incorporation of the University of Mississippi, approved February 24, 1844;

And, on the further motion of Mr. Wall,

The consideration of said amendments, and of the bill aforesaid, were postponed until 12 o'clock, to-morrow.

The senate resolved itself into committee of the whole on a bill of the following title, to-wit:

A bill to be entitled,

An act to amend an act entitled an act for the protection and preservation of the rights of married women, approved February 15, 1839;

And after some time spent therein,

The committee rose,

And Mr. Turner reported progress,

And asked leave to sit again on Thursday next.

On motion of Mr. Turner,

Said report was received and agreed to.

The following message was received from the house of representatives, through Mr. Montgomery, their clerk, to-wit:

Mr. President—The house of representatives have passed the following joint resolution, to-wit:

Resolved, (the senate concurring) That our senators in congress

be instructed, and our representatives requested, to exert their influence to procure patents to be issued by the general government, to all lands that have been donated to the State of Mississippi;

In which they desire the concurrence of the senate;

Which was read, and,

On motion of Mr. Wall,

Said resolution was concurred in.

Mr. Adams, on his motion,

Was excused from any further service on the committee of accounts.

On motion of Mr. Adams,

Mr. Lansdale was added to said committee.

Mr. Labauve offered the following resolution, to-wit:

Resolved, That the committee raised on engrossed bills at the last session of the legislature, be dispensed with;

Which was read and adopted,

Mr. Miles, from a select committee, reported a bill to be entitled,

An act to authorize the Grand Gulf rail road and banking company to dispose of their railway;

Which was read the first time.

On motion of Mr. Price,

The senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, JANUARY 21.

The senate met pursuant to adjournment.

The journal of yesterday was read.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

MR. PRESIDENT—The house of representatives have given leave to the introduction of bills of the following titles, to-wit:

A bill to be entitled,

An act to amend the law of Administrations;

A bill to be entitled,

An act to authorize the commissioners of the sinking fund to make compromises with the debtors thereof;

A bill to be entitled,

An act to prohibit trespasses on school lands;

A bill to be entitled,

An act to repeal the 8th, 9th, 10th and 11th sections of an act to prescribe the mode of proceeding against incorporate banks for a violation of their corporate franchises, and against persons pretending to exercise corporate privileges under acts of incorporation, and for other purposes, approved the 26th July, 1843;

A bill to be entitled,

An act for the relief of A. J. Blackburn;

A bill to be entitled,

An act to incorporate the enterprize bridge company, in the county of Clarke;

A bill to be entitled,

An act to incorporate the town of Enterprize, in Clarke county;

A bill to be entitled,

An act for the relief of the legal heirs and representatives of Amos Lot, deceased;

A bill to be entitled,

An act for the relief of J. R. Sanford, sheriff of Coahoma county;

A bill to be entitled,

An act to secure to the owners of slaves executed by sentence of law, compensation for the same;

A bill to be entitled,

An act to punish slanderers and libellers;

A bill to be entitled,

An act to change the time of holding the probate court of Franklin county;

A bill to be entitled,

An act to change the mode of assessing taxes, and for other purposes;

A bill to be entitled,

An act for the relief of Tilman Mitchell, late sheriff of Kemper county;

A bill to be entitled,

An act to extend and regulate the remedy by attachments;

A bill to be entitled,

An act to regulate judicial proceedings in cases of assault and battery.

They have also passed bills of the following titles, to-wit:

A bill to be entitled,

An act for the benefit and protection of Adelia V. Elken, administratrix of the estate of Thomas W. Elkin, deceased, of Monroe county;

A bill to be entitled,

An act to incorporate the town of Black Hawk, in the county of Carroll;

A bill to be entitled,

An act to incorporate Silas Brown Lodge, No. 65, of free and accepted masons;

A bill to be entitled,

An act to change the name of Penyna Wilson to that of Penyna Leech;

A bill to be entitled,

An act to repeal an act, approved the 26th January, 1844, entitled an act to repeal an act entitled an act incorporating the town of North Mount Pleasant, and for other purposes; and to revive an act, approved 2d February, 1838, entitled an act to incorporate the town of North Mount Pleasant, and for other purposes;

In which I am requested to desire the concurrence of the senate.

They have also passed a bill from the senate to be entitled,

An act for the establishment of a seminary of learning in the city of Jackson;

And have made an amendment thereto;

And have concurred in the amendment made by the senate to the house bill entitled,

An act for the benefit of Rufus Ford.

Mr. Briscoe presented the petition of the board of police of Claiborne county;

And accompanied said petition with a bill to be entitled,

An act to authorize the police court of Claiborne county to erect toll bridges;

Which was read the first time.

Mr. Guion, from the standing committee on internal improvements, to whom was referred so much of the governor's message as relates to the rail road east from Brandon, reported a bill to be entitled,

An act to incorporate the southern rail road company;

Which was read the first time.

On motion of Mr. Guion,

The constitutional rule was dispensed with,

And said bill read the second time by title; and,

On the further motion of Mr. Guion,

Said bill was committed to the whole house,

And made the order of the day for Wednesday next;

And 200 copies thereof ordered to be printed.

Mr. Guion, from the committee on the judiciary, to whom had been referred a resolution in relation to the existing laws of the courts of probate, reported a bill to be entitled,

An act to amend the several laws of the state in relation to courts of probate;

Which was read the first time.

Mr. Guion, from the joint standing committee on internal improvement, to whom was referred a bill to be entitled,

An act to carry into effect the agreement of the state of Mississippi with the United States, in relation to the two per cent. fund,

Reported said bill back without amendment.

On motion of Mr. Guion,

Said report and bill were laid on the table.

Mr. Matthews presented the petition of the board of police of Marshall county; which,

On his motion,

Was referred to a select committee of five.

Messrs. Matthews, Price, Beene, Pegues and Boone were appointed said committee.

Mr. Miles asked and obtained leave to the introduction of a bill to be entitled,

An act to regulate the practice, in the circuit courts, of law in this state;

Which was read the first time.

Mr. Guion, from a select committee, to whom had been referred a bill to be entitled,

An act to attach a portion of the county of Yazoo to the county of Warren,

Reported said bill back without amendment;

Which was ordered to be engrossed for a third reading on to-morrow.

Mr. Wall offered the following resolution, to-wit:

Resolved, (with the concurrence of the house of representatives,) That it is expedient and proper that the executive of the state apply for and receive the money coming to the state of Mississippi—net proceeds of the sales of public lands under the act of congress, approved September the 4th, 1841, to be applied to purposes of education in the several counties of this state, or otherwise, as the Legislature may hereafter direct;

Which was read.

Mr. Wall moved to dispense with the rule,

And adopt said resolution forthwith;

Which was lost.

The following message was received from his excellency, the governor, through his private secretary, to-wit:

To the Senate and House of Representatives:

The trustees of the state library, at a meeting yesterday, unanimously passed the following resolution:

Resolved, (by the trustees of the state library,) That the governor be requested to lay before the legislature, now in session, the present financial condition of the library and the amount now due from it, and to request the aid of the legislature in paying the debts.

In conformity to the above resolution, I submit to the legislature the following statement: In 1841 the governor contracted a considerable debt in the purchase of books from Messrs. Gould, Banks & Co., of New York, and Messrs. Grigg & Elliott, of Philadelphia. The library was then in its infancy, and the executive was actuated by a laudable anxiety to give it a firm and respectable standing—and relying on the then liberal appropriation of one thousand dollars per annum, in good funds, he contracted the debt, with the consent of the then trustees. Soon after this, the legislature reduced the annual appropriations one-half, and that half has generally been paid in depreciated paper, so that with all the exertions of the present trustees to pay the library out of debt, there are of these old liabilities twelve hundred dollars still unsettled—all of which is due Messrs. Gould, Banks & Co., of New York. These gentlemen have waited patiently since 1841; not

doubting, as they have repeatedly assured me, that the state would do them justice. I submit the facts to the legislature.

A. G. BROWN.

EXECUTIVE CHAMBER,
21st January, 1846.

Which was read.

On motion of Mr. Turner,

Said message was referred to a select committee of three.

Messrs. Turner, Booth and Nicholson were appointed said committee.

Mr. Lansdale, from the committee on accounts, to whom had been referred a resolution in relation to William W. Yerby, made the following report, to-wit:

The joint standing committee of accounts have had under consideration a resolution of the senate referred to them, by which they are instructed to "examine into the settlement of a claim against the state, under a law passed at the called session of the legislature in the year 1843, allowing W. W. Yerby $150 for services rendered by him for work and labor performed in the treasury office of the state;"

And beg leave to report, that they have carefully examined the same, and find that $100—part of said allowance—was paid to William Clark, in pursuance of an order from Mr. Yerby, to the auditor of public accounts, to issue a warrant for that amount in favor of said Clark, and the balance was paid to said Yerby, as appears by his receipts; and the committee are fully satisfied, from the facts appearing before them, that the sum received by said Clark had been, before that time, paid to said Yerby for and on account of the *identical* services, for which said allowance was made, and that in said transaction said Clark is free from all blame.

All of which is respectfully reported.

W. M. LANSDALE.

Which was read.

On motion of Mr. Lansdale,

Said report was received.

Mr. Guion offered the following resolution, to-wit:

Resolved, That so much of the governor's message as relates

to the interchange of books between this state and other states of the Union be referred to a select committee of three;

Which was read,

And adopted.

Messrs. Turner, Nicholson and Booth were appointed said committee.

Mr. Price offered the following resolution, to-wit:

Resolved, That the auditor of public accounts be instructed to report to the senate, as soon as possible; what amount of funded warrants falls due in the course of the fiscal year yet unexpired, and what amount in the fiscal year ensuing, and the respective dates, at which the several amounts shall fall due;

Which was read,

And adopted.

The following message was received from the house of representatives, through their clerk, Mr. Montgomery, to-wit:

Mr. President—I am requested by the house of representatives to inform the senate, that the speaker of the house has signed bills of the following titles; all of which originated in the house of representatives, viz:

An act to run the line between the counties of Chickasaw and Oktibbeha;

An act to organize the counties of Perry and Clarke;

An act for the benefit of Rufus Ford;

An act to change the time of holding the probate court in the county of Lauderdale;

And also a resolution of the state of Mississippi, instructing our senators, and requesting our representatives in congress, to exert their influence to procure patents to be issued by the general government to all lands that have been donated to the state of Mississippi;

Which I am requested to present to the senate for the signature of the president.

Mr. President—I am requested by the house to inform the senate, that the house of representatives have passed a bill of the following title, which originated in the house; to-wit:

A bill to be entitled,

An act for the relief of William Morris;

In which they desire the concurrence of the senate.

The president signed the bills and resolution in said message mentioned.

Mr. Tillman presented sundry claims; which,

On his motion,

Were referred to the committee on claims.

The senate took up the message from the house of representatives.

On motion of Mr. Adams,

The senate concurred in the amendment made by the house of representatives to a bill from the senate to be entitled,

An act for the establishment of a seminary of learning in the city of Jackson.

A bill to be entitled,

An act to change the name of Penyna Wilson to that of Penyna Leech;

Was read the first time.

A bill to be entitled,

An act to repeal an act, approved 26th of January, 1844, entitled an act to repeal an act incorporating the town of North Mount Pleasant, and for other purposes, and to revive an act, approved 2nd February, 1838, entitled an act to incorporate the town of North Mount Pleasant, and for other purposes;

Was read the first time.

A bill to be entitled,

An act to incorporate Silas Brown Lodge, No. 65, of free and accepted masons;

Was read the first time.

A bill to be entitled,

An act to incorporate the town of Black Hawk, in the county of Carroll;

Was read the first time.

A bill to be entitled,

An act for the benefit and protection of Adelia V. Elkin, administratrix of the estate of Thomas W. Elkin, deceased, of Monroe county;

Was read the first time.

A bill to be entitled,

An act for the relief of William Morris;

Was read the first time.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

Mr. President—The speaker of the house of representatives has signed a bill which originated in the senate, of the following title, to-wit:

An act to change the times of holding the circuit court in the county of Tallahatchie;

Also bills of the following titles, which originated in the house of representatives:

An act to incorporate the town of Gainesville in the county of Hancock;

An act to detach a portion of the county of Lafayette therefrom and attach the same to the county of Marshall, and for other purposes;

Also resolutions of the legislature of the state of Mississippi instructing our senators and requesting our representatives in the congress of the United States to sustain the recommendations of the president of the United States in relation to the public lands, and for other purposes;

Which is presented to the senate for the signature of the president.

The president signed said bills.

The senate proceeded to the consideration of the orders of the day.

A memorial to the congress of the United States in relation to the connection of the Mississippi river with the Atlantic;

Was read the second time; and,

On motion of Mr. Adams,

Ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act for the relief of Thomas A. Willis and others;

Was read the third time,

And lost.

Mr. Lansdale called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. Adams, Briscoe, Dupree, Fox, Guion, Stewart, Tillman, Turner, and Wall—9 votes.

Noes—Mr. President, Acker, Booth, Beene, Boone, Dabney, Durr, Horne, Hicks, Johnson, Lipscomb, Labauve, Lansdale,

Metcalf, Matthews, Miles, Nicholson, Pegues, Ramsay, Williams and Willburn—21 votes.

A bill to be entitled,

An act amendatory to an act allowing fees to sheriffs and constables in certain cases;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A memorial to the congress of the United States in relation to the navigation of Pearl river;

Was read the third time,

And adopted.

The amendments made by the house of representatives to a bill from the senate, entitled,

An act explanatory of an act for the incorporation of the University of Mississippi, approved 24th February, 1844;

Were read.

Mr. Matthews offered the following amendment, to-wit:

Amend the amendment—strike out the word 'without,' where it occurs, and insert 'upon';

Which was adopted;

And said amendments, as amended, concurred in.

On motion of Mr. Briscoe,

A bill to be entitled,

An act to authorize a loan of money to Oakland college in this state;

Was referred to a select committee of three.

Messrs. Briscoe, Pegues and Wall were appointed said committee.

A bill to be entitled,

An act to authorize the Grand Gulf rail road and banking company to dispose of their railway;

Was read the second time.

On motion of Mr. Wall,

Said bill was laid on the table.

Mr. Tillman offered the following resolution, to-wit:

Resolved, (the house of representatives concurring,) That a joint select committee be raised, to be composed of the members from Copiah, Claiborne and Franklin counties, for the purpose of

considering of the propriety of selling the Grand Gulf rail road;

Which was read.

Mr. Guion raised a point of order upon said resolution;

Which was decided to be out of order by the chair.

Mr. Briscoe, from a select committee, to whom had been referred a bill to be entitled,

An act to authorize a loan of money to Oakland college in this state,

Reported said bill back with the following amendment, to-wit:

Strike out of the fourth line, the words, 'of the seminary fund';

Which report was agreed to;

And said bill, as amended, put on its final passage,

And lost.

Mr. Horne called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Briscoe, Dupree, Guion, Metcalf, Nicholson, Pegues, Stewart, Tillman and Turner—9 votes,

Noes—Mr. President, Adams, Acker, Booth, Beene, Boone, Dabney, Durr, Fox, Horne, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Lansdale, Matthews, Miles, Price, Ramsay, Wall, Williams and Willburn—23 votes.

On motion of Mr. Miles,

The senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, JANUARY 22, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

MR. PRESIDENT—The house of representatives have passed bills of the following titles, to-wit:

A bill to be entitled,

An act in relation to the bonds of coroners;

A bill to be entitled,

An act to authorize and require the trustees of schools and school lands in the city of Columbus, in township 18, S., of R.

18, W., to execute deeds to lots of less dimensions than one-fourth of one acre, and for other purposes;

A bill to be entitled,

An act to amend an act of the Mississippi Territory, of March 10th, 1803, revised and amended by an act of December 9th, 1809, incorporating the city of Natchez, and the several acts supplemental thereto.

They have also passed a bill from the senate to be entitled,

An act to authorize the board of police in Amite county, to create additional districts for the election of justices of the peace in said county;

And have made sundry amendments thereto;

In all of which, I am instructed to desire the concurrence of the senate.

They have given leave to the introduction of bills of the following titles, to-wit:

A bill to be entitled,

An act to authorize the courts to tax prosecutors with the costs in certain cases;

A bill to be entitled,

An act for the relief of William Rawles, of Tunica county;

A bill to be entitled,

An act to authorize the probate court of Yazoo county, to order a sale or compromise, of claims due the estates of decedents in certain cases;

A bill to be entitled,

An act to amend the charter of incorporation of the town of Port Gibson.

Mr. Guion, from the standing committee on internal improvement, to whom was referred so much of the governor's message as relates to internal improvement; and also,

A bill to be entitled,

An act to provide for the construction of a levee on the Mississippi for the protection and improvement of the state lands,

Reported said bill back without amendment;

Which report was received.

On motion of Mr. Labauve,

Said bill was laid on the table,

And two hundred copies of said bill ordered to be printed.

Mr. Miles, from a select committee, to whom had been referred bills of the following titles, to-wit:

A bill to be entitled;

An act for the relief of securities to debts due the State of Mississippi on account of the sinking fund, seminary fund, and town lot fund, in the city of Jackson;

A bill to be entitled,

An act to settle the construction of the ninth section of an act entitled an act to define the duties of the auditor of public accounts, and to fix his salary, approved March 2d, 1833,

Reported the first of said bills without amendment;

The second of said bills, he reported back, with a recommendation that it do not pass;

Which report was received.

On motion of Mr. Miles,

Both of said bills were referred to the committee of the whole, and made the order of the day for to-morrow, 11 o'clock, a. m.

Mr. Boone, from a select committee, to whom was referred that portion of the governor's message relating to the 500,000 acres of land, donated to the State of Mississippi by an act of congress, approved September 4, 1841,

Reported a bill to be entitled,

An act to provide for the sale of the 500,000 acres of land donated to the State of Mississippi, by an act of congress, approved September 4, 1841, and for other purposes;

Which was read the first time.

On motion of Mr. Boone,

The constitutional rule was dispensed with,

And said bill read the second time by title.

On motion of Mr. Labauve,

Said bill was laid on the table,

And two hundred copies ordered to be printed.

Mr. Beene, from a select committee, reported back, without amendment, and recommended its passage, a bill of the following title, to-wit:

A bill to attach the counties of Tippah and Pontotoc, to the district chancery court at Fulton;

Which report was received.

On motion of Mr. Beene,

Said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Miles presented the petition of the tax payers of the county of Claiborne; and also,

The petition of the tax payers of the county of Copiah;

Which were read.

On motion of Mr. Miles,

Said petitions were referred to the committee appointed on a previous day, on a petition from the tax payers from the county of Claiborne.

Mr. Miles asked, and obtained leave, to the introduction of a bill to be entitled,

An act to amend an act entitled an act, approved February 24, 1844, entitled an act to amend the several acts of limitations, and for other purposes;

Which was read the first time.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee have this day presented to his excellency, the governor, bills and resolutions of the following title, for his approval, originating in the senate:

An act to change the time of holding the circuit court of Tallahatchie county.

Also, the following bills and resolutions originating in the house of representatives:

An act to run the line between the counties of Chickasaw and Octibbeha;

An act to organize the counties of Perry and Clarke;

An act to incorporate the town of Gainesville;

Resolutions of the State of Mississippi, instructing our senators, and requesting our representatives, in the congress of the United States, to sustain the recommendations of the president of the United States, in relation to the public lands, and for other purposes;

An act to change the time of holding the probate court in the county of Lauderdale;

An act to detach a portion of the county of Lafayette therefrom, and attach the same to the county of Marshall;

Resolutions of the State of Mississippi, requesting our senators and our representatives in congress, to procure patents, &c.;

An act for the benefit of Rufus Ford.

N. S. PRICE, chairman.

Mr. Price offered the following claims, to-wit:

J. R. Collins,	Elihu Mooher,
do do	do do
do do	do do
J. Meador,	do do
Elihu Looney,	do do
Henry Bardain,	
do do	
do do	
do do	
do do	
do do	

Which, on his motion,

Were referred to the committee on claims.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bills, have examined bills of the following titles, to-wit:

An act to authorize Peter B. Starke to erect a bridge across the Noxubee river, at the point at which the road known as the Robinson road, crosses the same in the county of Octibbeha, and for other purposes;

An act to authorize the judge of the probate court of Pike county, to hold the terms of his court in the clerk's office of said court;

Also, joint resolutions pledging the State of Mississippi to the support of the general government, in maintaining the national right to the Oregon territory;

And have found the same correctly enrolled.

N. S. PRICE, chairman.

The president signed the bills in said report mentioned.

The senate took up the message last received from the house of representatives.

On motion of Mr. Wall,

The senate concurred in the amendments made by the house of representatives, to a bill from the senate, to be entitled,

An act to authorize the board of police in Amite county, to create additional districts for the election of justices of the peace in said county;

A bill to be entitled,

An act to amend an act of the Mississippi territory, of March the 10th, 1803, revised and amended by an act of December 9th, 1809, incorporating the city of Natchez, and the several acts supplemental thereto;

Was read the first time.

A bill to be entitled,

An act in relation to the bonds of coronors;

Was read the first time.

A bill to be entitled,

An act to authorize and require the trustees of schools and school lands, in the city of Columbus, in township 18, S., of R. 18, W., to execute deeds to lots of less dimensions than one-fourth of one acre, and for other purposes;

Was read the first time.

The senate proceeded to the consideration of the orders of the day:

A bill to be entitled,

An act to repeal an act approved 26th January, 1844, entitled an act to repeal an act incorporating the town of Mount Pleasant, and for other purposes; and to revive an act, approved 2d February, 1838, entitled an act to incorporate the town of North Mount Pleasant, and for other purposes;

Was read the second time.

On motion of Mr. Matthews,

The constitutional rule was dispensed with,

And said bill read the third time forthwith, by title,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act for the benefit and protection of Adelia V. Elkin, administratrix of the estate of Thomas W. Elkin, deceased, of Monroe county;

Was read the second time.

A bill to be entitled,

An act to incorporate the town of Black Hawk, in the county of Carroll;

Was read the second time.

On motion,

The orders of the day were suspended; when,

On motion of Mr. Turner,

A bill of the following title was called from the table, to-wit:

A bill to be entitled,

An act to establish an inferior court of chancery for the southern part of this state.

Mr. Turner offered the following amendments to said bill, to-wit:

Amend 3d line of 2d section, by adding after Green, the word "Hancock."

Amend by filling blank in 4th line, wtth the word "2d."

Amend blanks in 5th line, by the words, "February, August 12," in their order.

Fill blank in 9th line, with "4th January, July," in their order.

Fill blank in 10th line, with "twelve."

Fill blank in 13th line, with "4th June," in their order.

Fill blank in 14th line, with "December 24," in their order.

Which were read and adopted.

Mr. Nicholson offered the following amendment, to-wit:

Amend by striking out in third line, second section, "Mississippi City," in the county of Harrison, and inserting "Shieldsboro'," in the county of Hancock.

Amend the 6th section, 5th line, by striking out Mississippi city, in the county of Harrison, and inserting Shieldsboro, in the county of Hancock;

Which were read, and lost.

On motion of Mr. Turner,

Said bill, as amended, was ordered to be engrossed for a third reading on to-morrow.

Mr. Price offered the following resolution, to-wit:

Resolved, That the judiciary committee be instructed to inquire into the expediency of raising the salaries of the district attorneys to 1000 dollars;

Which was lost.

The senate resumed the consideration of the orders of the day:

A bill to be entitled,

An act to incorporate Silas Brown Lodge, No. 65, of free and accepted masons;

Was read the second time.

Mr. Turner offered the following amendment:

Amend by adding additional sections, 3 and 4, as follows, to-wit:

Sec. 3. *And be it further enacted*, That the officers and members of Mississippi Lodge, number fifty-six, of free and accepted masons, in the town of Rodney, be, and they are hereby created a body corporate and politic, by the name and style of Mississippi Lodge number fifty-six, of free and accepted masons, and by that name shall have perpetual succession, sue and be sued, plead and be impleaded, in any court of law or equity, in this state.

Sec. 4. *Be it further enacted*, That said officers and members, in their corporate capacity, may have, purchase and enjoy, for their own use and benefit, real and personal estate in value not exceeding twenty thousand dollars, and alien and dispose of the same at pleasure, and shall have power to adopt all such by-laws as they may deem proper and just, for the good order and government of said corporation, not inconsistent with the constitution and laws of this state, or of the United States;

Which was read and adopted;

And said bill, as amended, was ordered to be engrossed for a third reading on to-morrow.

Mr. Miles presented the remonstrance of the citizens and tax-payers of the county of Claiborne, against the erection of a bridge, &c.; which,

On his motion,

Was referred to a select committee of three.

Messrs. Miles, Briscoe and Turner, were appointed said committee.

A bill to be entitled,

An act for the relief of William Morris;

Was read the second time.

On motion of Mr. Dupree,

The constitutional rule was dispensed with,

And said bill read the third time by title,

And passed.

Ordered, That the title thereof be as stated.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

Mr. President—I am instructed by the house to inform the senate, that the house of representatatives have passed the following joint resolutions, viz:

1st. *Resolved*, (the senate concurring,) That the committee on the penitentiary, be instructed to examine into the charges made against the state of Mississippi for permanent improvements, of whatever kind, and placed to the credit of the superintendent, and report the same in detail.

2d. That said committee be instructed to enquire into the validity and amount of the disbursements in the penitentiary, by order of the superintendent, or otherwise, and the objects of the same, and make report of the same in detail.

3d. That said committee be instructed to enquire into the amount drawn out of the state treasury on account of the penitentiary, from the 1st day of January, 1842, to the 1st day of January, 1846.

4th. *And be it further resolved*, That the auditor of public accounts be required to report to this legislature, to be laid before said committee, in detail, the amount that has been audited in his office, on account of the penitentiary, during the above period.

5th. That the state treasurer be required to report in like manner, for like purpose, the amount of revenue received into the state treasury from the penitentiary;

In which they desire the concurrence of the senate.

A bill to be entitled,

An act to change the name of Penyna Wilson to that of Penyna Leech;

Was read the first time.

The following resolution was read the second time:

Resolved, (with the concurrence of the house of representatives,) That it is expedient and proper, that the executive of the state apply for, and receive, the money comeing to the State of Mississippi—nett proceeds of the sales of public lands, under the act of congress, approved September 4th, 1841—to be applied to

purposes of education, in the several counties of this state, or otherwise, as the legislature may hereafter direct.

Mr. Labauve offered the following amendment, to-wit:

And that the same be applied to the payment of the coupons of the Planters' Bank bonds;

Which was lost.

Mr. Dabney offered the following amendment, to-wit:

Amend, by striking out all after the word resolved, and insert the following:

"That the congress of the United States have no power to distribute the proceeds of the sale of the public lands among the states."

Mr. Wall raised a point of order upon said amendment;

Which was decided by the chair to be in order.

Mr. Guion called for a division of the question;

Which was had;

First, upon striking out;

Which was lost.

Mr. Guion called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Acker, Briscoe, Beene, Boone, Dabney, Hicks, Lipscomb, Labauve, Tillman and Willbourn—10 votes.

Noes—Mr. President, Adams, Booth, Dupree, Durr, Fox, Guion, Horne, Johnson, Lumpkin, Lansdale, Metcalf, Matthews, Miles, Nicholson, Pegues, Price, Ramsay, Stewart, Turner, Wall and Williams—22 votes.

Mr. Turner moved to lay said resolution on the table until tomorrow, 12 o'clock, m.;

Which was lost.

And the question was then had upon the adoption of said resolution;

Which was lost.

Mr. Matthews called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Booth, Dupree, Guion, Lumpkin, Lansdale, Metcalf, Miles, Nicholson, Price, Stewart, Turner, Wall and Williams—13 votes.

Noes—Mr. President, Adams, Acker, Briscoe, Beene, Boone,

Dabney, Durr, Fox, Horne, Hicks, Johnson, Lipscomb, Labauve, Matthews, Pegues, Ramsay, Tillman and Willburn—19 votes.

The following message was received from the house of representatives, through Mr. Montgomery, their clerk, to-wit:

Mr. President—The house of representatives have passed a bill of the following title, viz:

A bill to be entitled,

An act to change the time of holding the probate court in the county of Hancock;

In which I am instructed to desire the concurrence of the senate.

A bill to be entitled,

An act to authorize the police court of Claiborne county to erect toll bridges;

Was read the second time.

On motion of Mr. Briscoe,

Said bill was ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act to amend the several laws of the state in relation to the courts of probate;

Was read the second time.

Mr. Guion offered the following amendment, to-wit:

Sec. ——. *Be it further enacted*, That when any judge of probate shall be related by affinity or consanguinity, to any party interested in any proceeding in his court, or shall have any pecuniary interest therein, or shall have been employed therein as counsel or attorney, it shall be his duty to transfer his proceedings to the court of probate of some adjoining county; and the further proceedings in such case by the judge of probates of the county to which the same shall have been transferred, shall be as valid and conclusive as if he had original jurisdiction thereof: *provided*, that by consent of all parties interested in such proceedings, which consent shall be entered on the record as a part of the proceedings in the case, the disability of such judge arising from relationship, or previous employment as counsel or attorney, of either party, may be waived, and his competency to try the cause, be restored;

Which was read, and adopted.

On motion of Mr. Guion,

Said bill, as amended, was ordered to be engrossed for a third reading on to-morrow.

The following message was received from his excellency, the governor, through his private secretary, to-wit:

Mr. President—I am instructed by his excellency, the governor, to inform the senate that he has this day approved and signed a bill of the following title, to-wit:

An act to change the time of holding the circuit court of Tallahatchie county;

Which bill originated in the senate.

January 22d, 1846.

The senate suspended the orders of the day;

When Mr. Boone called from the table,

A bill to be entitled,

An act for the relief of Isaac Chrisman, and for other purposes;

Which was read the third time,

And passed,

Ordered, That the title thereof be as stated.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. President—I am instructed by the house of representatives, to inform the senate, that the house of representatives have passed the following joint resolution, to-wit:

Resolved, (the senate concurring,) That a joint standing committee on public buildings, consisting of five members on the part of the house, and ——— on the part of the senate, be appointed;

And have appointed, on the part of the house:

Messrs. Emanuel, Spann, Farrar, Rogers and Huie.

They have passed a bill of the following title, to-wit:

A bill to be entitled,

An act to authorize Bythell H. Beard, guardian, to remove the property of his wards out of this state, and for other purposes;

In which they desire the concurrence of the senate.

A bill to be entitled,

An act to regulate the practice of the circuit courts of law in this state;

Was read the second time.

Mr. Briscoe moved an indefinite postponement of said bill;

Which was lost.

Mr. Williams called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Booth, Beene, Boone, Dabney, Durr, Fox, Horne, Hicks, Lipscomb, Lansdale, Ramsay, Turner and Willburn—16 votes.

Noes—Messrs. Acker, Dupree, Guion, Johnson, Lumpkin, Labauve, Metcalf, Matthews, Miles, Nicholson, Pegues, Price, Stewart, Tillman, Wall and Williams—16 votes.

Mr. Matthews offered the following amendment, to-wit:

Provided, This act shall not affect the proceedings on contracts now in existence;

Which was adopted.

Mr. Matthews moved to postpone the further consideration of said bill until Monday week, next;

Which was lost.

Mr. Matthews moved to postpone the further consideration of said bill until to-morrow, 11 o'clock;

Which was lost.

On motion of Miles,

Said bill, as amended, was ordered to be engrossed for a third reading on to-morrow.

Mr. Briscoe called for the ayes and noes on the engrossment thereof, which are as follows, to-wit:

Ayes—Messrs. Acker, Dupree, Guion, Johnson, Lipscomb, Lumpkin, Labauve, Metcalf, Matthews, Miles, Nicholson, Pegues, Price, Stewart, Tillman, Wall and Williams—17 votes.

Noes—Mr. President, Adams, Briscoe, Booth, Beene, Boone, Dabney, Durr, Fox, Horne, Hicks, Lansdale, Ramsay, Turner and Willburn—15 votes.

Mr. Miles presented the claim of Gabriel F. Henry, which,

On his motion,

Was referred to the committee on claims.

On motion of Mr. Lansdale,

The senate adjourned until to-morrow morning, at 10 o'clock.

FRIDAY, JANUARY 23, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

MR. PRESIDENT—I am instructed by the house of representatives to inform the senate that the house of representatives have passed bills of the following titles, to-wit:

A bill to be entitled,

An act to authorize the selling of the real estate of Benjamin F. Herbert, deceased;

A bill to be entitled,

An act to legalize the marriage of John C. Lucus and Alpha Strickland, of the county of Covington;

A bill to be entitled,

An act to authorize and empower the probate court of Hinds county to appoint some suitable person or persons to be guardian or guardians to John Morrison of said county, and for other purposes;

A bill to be entitled,

An act granting additional power to the mayor and selectmen of the city of Natchez.

They have passed a bill from the senate, entitled,

An act to define the powers and duties of the board of police of Monroe and Chickasaw counties;

And have made sundry amendments thereto;

In all of which they desire the concurrence of the senate.

They have concurred in the amendment of the senate, made to the amendments of the house, to the bill from the senate, entitled,

An act explanatory of the act for the incorporatiou of the University of Mississippi, approved February 24th, 1844.

They have given leave to the introduction of bills of the following titles, to-wit:

A bill to be entitled,

An act to make provisious for digesting the statute laws of this state;

A bill to be entitled,

An act to change the mode of electing the members of the board of police of Claiborne county;

A bill to be entitled,

An act to amend an act entitled an act to regulate the mode of obtaining license to sell vinous and spirituous liquors, and for other purposes, approved February 22d, 1842;

A bill to be entitled,

An act to authorize the governor of this state to exchange all laws, reports and legislative documents, printed by order of the legislature of this state, for those published in other states;

A bill to be entitled,

An act authorizing probate courts to issue executions against executors, administrators and guardians;

A bill to be entitled,

An act to repeal, in part, an act entitled an act to provide for funding the treasury warrants of the state of Mississisippi, issued prior to the 1st day of January, 1841;

A bill to be entitled,

An act to abolish estray sales, and for other purposes;

A bill to be entitled,

An act to authorize the judges of the circuit courts of this state to hold special terms in certain cases.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bills have this day examined a bill of the following title, originating in the senate, and found the same correctly enrolled:

An act for the establishment of a seminary of learning in the city of Jackson;

Also bills originating in the house of representatives.

An act for the relief of William Morris;

An act to repeal an act, approved 26th January, 1844, entitled an act to repeal an act incorporating the town of North Mount Pleasant, and for other purposes, and to revive an act approved 2nd February, 1838, entitled an act to incorporate the town of North Mount Pleasant, and for other purposes.

NATH'L. S. PRICE.

Mr. Turner, from two select committees, reported a bill to be entitled,

An act to provide for the payment of debts due for the state

library, and for an interchange of Books between this state and the several states of the Union;

Which was read the first time.

Mr. Guion offered the following resolution, to-wit:

Resolved, (by the legislature of the state of Mississippi,) That the trustees of Oakland college, in the county of Claiborne and state of Mississippi, be, and they are hereby, authorized and empowered to apply at the treasury of the United States for twenty thousand dollars of the net proceeds of the public lands apportioned to the state of Mississippi by the act of congress "to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved September 4th, 1841, to receive and receipt for the same, and apply said sum, when received, to the purposes of said college;

Which was read;

And by rule lies over one day.

Mr. Labauve offered the following resolution, to-wit:

Resolved, That the judiciary committee enquire into the expediency of so amending the criminal laws of this state, that persons indicted for a criminal offence shall not be able to continue their trial by affidavit for continuance, for more than one term; and that such persons shall, in all cases, be triable at the term of the court, at which they are indicted, unless their absent witness or witnesses have been duly summoned or the court be satisfied by disinterested evidence, that due diligence has been used by the prisoner to procure the attendance of such witness or witnesses; and that unless such witness or witnesses have been summoned or due diligence used to procure their attendance the court shall have the discretion to disregard the affidavit for continuance; and that said committee further enquire into the expediency of so amending the criminal laws as to make it highly penal in all justices of the peace and courts in continuing causes to fail in taking good recognizances both for the appearance of defendants and all witnesses for the state.

And that said committee further enquire into the expediency of directing the clerks of courts, under the control of the court, to set criminal cases for particular days as is now provided by law for setting civil cases.

Which was read; and,

On motion of Mr. Labauve,

Referred to the judiciary committee.

Mr. Hicks asked and obtained leave to the introduction of a bill to be entitled,

An act to provide for cases where no executor or administrator will qualify under a will &c.;

Which was read the first time.

On motion of Mr. Hicks,

The constitutional rule was dispensed with,

And said bill read the second time by title; and,

On the further motion of Mr. Hicks,

Said bill was referred to the judiciary committee.

Mr. Price asked and obtained leave to the introduction of a bill to be entitled,

An act to permit judicial officers to absent themselves from this state;

Which was read the first time.

Mr. Nicholson asked and obtained leave to the introduction of a bill to be entitled,

An act amendatory of an act entitled an act to reduce the expenditures of the government of the state of Mississippi, approved Feb. 14th, a. d., 1842;

Which was read the first time.

Mr. Dabney asked and obtained leave to the introduction of a bill to be entitled,

An act to authorize the president and selectmen of the town of Macon to make titles to the south half of fractional block seven in said town;

Which was read the first time.

On motion of Mr. Dabney,

The constitutional rule was dispensed with,

And said bill read the second time by title;

And ordered to be engrossed for the third reading on to-morrow.

Mr. Guion asked and obtained leave to the introduction of a bill to be entitled,

An act to amend the laws of the state in relation to free negroes and mulattoes;

Which was read the first time.

Mr. Lumpkin asked and obtained leave to the introduction of a bill to be entitled,

An act to provide for allowance and payment of the claims of physicians for medical services rendered in certain cases;

Which was read the first time.

Mr. Guion asked and obtained leave to the introduction of a bill to be entitled,

An act to repeal a part of an act entitled an act to enable creditors to settle separately with debtors jointly bound to them, approved Feb. the 24th, 1844;

Which was read the first time.

The senate proceeded to the consideration of the orders of the day.

The senate refused to concur in the joint resolution of the house of representatives appointing a committee on the penitentiary with instructions to examine into the charges made against the state of Mississippi for permanent improvements of whatever kind, and place the same to the credit of the superintendant.

The senate refused to concur in the second, third, fourth and fifth of said resolutions of the kouse upon the subject of the penitentiary.

Mr. Williams asked and obtained leave to the introduction of a bill to be entitled,

An act to change the name of Sarah Jane Kendall to that of Sarah Jane Oakley, and for other purposes;

Which was read the first time.

Mr. Beene asked and obtained leave to the introduction of a bill to be entitled,

An act to supply certain officers in Itawamba county with the statutes af this state;

Which was read the first time.

Mr. Miles, on his motion,

Had leave of absence granted for the approaching Saturday and Monday.

The senate took up the message last received from the house of representatives.

On motion of Mr. Acker,

The senate concurred in the amendments made by the house of representatives to a bill from the senate, to be entitled,

An act to define the powers and duties of the board of police of Monroe and Chickasaw counties.

A bill to be entitled,

An act to authorize the selling the estate of Benjamin F. Herbert, deceased;

Was read the first time.

A bill to be entitled,

An act to legalize the marriage of John C. Lucus and Alpha Strickland, of the county of Covington;

Was read the first time.

A bill to be entitled,

An act to authorize and empower the probate court of Hinds county to appoint some suitable person or persons to be guardian or guardians to John Morrison of said county, and for other purposes;

Was read the first time.

A bill to be entitled,

An act granting additional powers to the mayor and selectmen of the city of Natchez;

Was read the first time.

On motion of Mr. Wall,

The senate was discharged from the consideration of the regular orders of the day; and,

On the further motion of Mr. Wall,

The special orders of the day were taken up.

The senate resolved itself into committee of the whole on bills of the following titles, to-wit:

A bill to be entitled,

An act for the relief of securities due the state of Mississippi on account of the sinking fund and town lot fund in the city of Jackson;

A bill to be entitled,

An act to settle the construction of the ninth section of an act entitled an act to define the duties of the auditor of public accounts and fix his salary, approved March 2nd, 1833.

After some time spent therein,

The committee rose; and,

Mr. Lipscomb reported both of said bills back without amendment.

On motion,

The report was received.

Mr. Miles offered the following amendment to the first named bill, to-wit:

Amend by striking out all after the enacting clause;

Which was lost;

And said bill ordered to be engrossed for a third reading on to-morrow.

Mr. Adams offered the following amendment to the second of said bills:

Amend by striking out all after the enacting clause;

Which was adopted.

On motion of Mr. Matthews,

Said bill was indefinitely postponed.

A bill to be entitled,

An act to amend an act of the Mississippl territory of March the 10th, 1803, revised and amended by an act of December 9th, 1809, incorporating the city of Natchez, and the several acts supplemental thereto;

Was read the second time.

A bill to be entitled,

An act to authorize and require the trustees of schools and school lands in the city of Columbus, in township 18, south of range west, to execute deeds to lots of less dimensions than one-fourth of one acre, and for other purposes;

Was read the second time.

A bill to be entitled,

An act to change the name of Penyna Wilson to that of Penyna Leech;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act in relation to the bonds of coroners;

Was read the second time.

A bill to be entitled,

An act for the benefit and protection of Adelia V. Elkin, administratrix of the estate of Thomas W. Elkin, deceased, of Monroe county;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to incorporate Silas Brown Lodge, No. 65, of free and accepted masons;

Was read the third time,

And passed.

Mr. Turner offered the following amendment, to-wit:

Amend title by adding the words, 'and the Mississisippi Lodge, No. 56, at the town of Rodney';

Which was adopted.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to change the time of holding the probate courts of Hancock county;

Was read the first time.

A bill to be entitled,

An act to authorize Bythell H. Beard, guardian, to remove the property of his wards out of this state, and for other purposes;

Was read the first time.

On motion of Mr. Stewart,

The constitutional rule was dispensed with,

And said bill was read the second time by title; and,

On the further motion of Mr. Stewart,

The rule was further dispensed with,

And said bill read the third time forthwith,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to incorporate the town of Black Hawk, in the county of Carroll;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A memorial to the congress of the United States;

Was read the third time,

And adopted.

Mr. Acker called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Booth, Durr, Fox, Guion, Horne, Hicks, Lipscomb, Lansdale, Metcalf, Matthews, Miles, Nicholson, Ramsay, Stewart, Tillman, Turner, Wall, Williams and Willburn—22 votes.

Noes—Messrs. Acker, Beene, Boone, Dabney, Dupree, Johnson, Labauve, Pegues and Price—9 votes.

The senate resolved itself into committee of the whole on a bill of the following title, to-wit:

A bill to be entitled,

An act to amend an act for the protection and preservation of the rights of married women, approved February 15th, 1839;

And after some time spent therein,

The committee rose; and,

Mr. Dabney reported said bill back with sundry amendments;

Which were received and agreed to.

On motion of Mr. Guion,

Said bill, as amended, was ordered to be engrossed for a third reading on to-morrow.

Mr. Labauve called for the ayes and noes on the engrossment thereof, which are as follows, to-wit:

Ayes—Messrs. Acker, Briscoe, Booth, Dabney, Dupree, Fox, Guion, Hicks, Lumpkin, Lansdale, Metcalf, Matthews, Miles, Nicholson, Pegues, Stewart, Turner, Wall and Williams—19 votes.

Noes—Mr. President, Adams, Beene Boone, Durr, Horne, Johnson, Lipscomb, Labauve, Price, Ramsay, Tillman and Willburn—13 votes.

The following message was received from the house of representatives, through Mr. Montgomery, their clerk, to-wit:

Mr. President—I am instructed by the house to inform the senate that the speaker of the house of representatives has signed bills which originated in the house of representatives of the following titles; to-wit:

An act to repeal an act, approved 26th January, 1844, entitled an act to repeal an act incorporating the town of North Mount Pleasant, and for other purposes, approved 2nd, Feb., 1838, enti-

tled an act to incorporate the town of North Mount Pleasant, and for other purposes;

An act for the relief of William Morris;

Which I am instructed to present to the senate for the signature of the president.

They have passed a bill from the senate, to be entitled,

An act for the relief of Thomas F. Collins.

Mr. President.—I am instructed by the house to inform the senate that the house of representatives have concurred in the amendments made by the senate, to the bill from the house, entitled,

An act to incorporate Silas Brown Lodge, No. 65, of free and accepted masons.

The president signed the bills in said message mentioned.

A bill to be entitled,

An act to attach a portion of the county of Yazoo to the county of Warren;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to attach the counties of Tippah and Pontotoc to the district chancery court at Fulton;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to amend an act entitled an act, approved February 24th, 1844, entitled an act to amend the several acts of limitation, and for other purposes;

Was read the second time; and,

Ordered to be engrossed for a third reading on Wednesday next.

A bill to be entitled,

An act to establish an inferior court of chancery for the southern part of this state;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to authorize the police court of Claiborne county to erect toll bridges;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to amend the several laws of the state in relation to the courts of probate;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to regulate the practice of the circuit courts of law in this state;

Was read the third time.

Mr. Miles offered the following amendment, by way of ryder, to-wit:

Amend, by way of ryder:

Sec. —— *Be it further enacted*, That in all cases hereafter, when judgment, by default, is rendered, at the return term of the process, in any court of law in this state, the defendant or defendants, shall be entitled to a stay of execution for six months;

Which was adopted.

Mr. Briscoe moved to adjourn the senate until Monday morning next, at 10 o'clock;

Which was lost.

Mr. Wall called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Briscoe, Fox, Labauve, Price and Tillman—5 votes.

Noes—Mr. President, Adams, Acker, Booth, Beene, Boone, Dabney, Dupree, Durr, Guion, Horne, Hicks, Johnson, Lipscomb, Lumpkin, Metcalf, Matthews, Miles, Nicholson, Pegues, Ramsay, Stewart, Turner, Wall, Williams and Willburn—25 votes.

Mr. Briscoe moved to adjourn until 10 o'clock to-morrow morning;

Which was lost.

Mr. Briscoe moved a call of the senate;

Which was had.

Mr. Briscoe moved to send for the absentees;

Which was lost.

The senate resumed the consideration of the bill last aforesaid;

Which was put on its final passage;

And carried.

Mr Guion called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Acker, Dupree, Guion, Johnson, Lipscomb, Lumpkin, Labauve, Metcalf, Matthews, Miles, Nicholson, Pegues, Price, Stewart, Tillman, Wall and Williams—17 votes.

Noes—Mr. President, Adams, Briscoe, Booth, Beene, Boone, Dabney, Durr, Fox, Horne, Hicks, Lansdale, Ramsay, Turner and Wilburn—15 votes.

Mr. Turner offered the following amendment, to-wit:

Amend the title as follows:

A bill to be entitled,

An act to repeal the forthcoming bond law, and for other purposes;

Which was adopted.

Ordered, That the title thereof be as stated.

Mr. Adams moved an adjournment until 11 o'clock, on Monday next;

Which was lost.

On motion of Mr. Stewart,

The senate concurred in the joint resolution from the house of representatives, appointing a joint standing committee on public buildings;

And the blank in said resolution was filled with the number three.

Messrs. Fox, Stewart and Johnson were appointed said committee.

On motion of Mr. Adams,

The senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, JANUARY 24.

The senate met pursuant to adjournment.

The journal of yesterday was read.

The following message was received from the house of representatives, through their clerk, Mr. Montgomery, to-wit:

MR. PRESIDENT—The house of representatives have passed bills of the following titles, viz:

A bill to be entitled,

An act to remove the civil disabilities of Baldy W. Taylor;

A bill to be entitled,

An act to change the name of Elizabeth Vines to that of Elizabeth George Wilson;

A bill to be entitled,

An act to authorize the same person to hold both the office of circuit and probate clerk, in Sunflower county;

A bill to be entitled,

An act prescribing the time of holding the probate court for Issaquena county, and for other purposes therein mentioned;

A bill to be entitled,

An act to legalize the sale and purchase of the sixteenth section of township seven, range nine, being in Scott county, Mississippi, which section was sold on the 25th November, 1839, and purchased by John C. Thomas, Jesse Thomas, Joshua Flord, and T. M. Pethick, not jointly, but severally;

In which I am instructed to desire the concurrence of the senate.

They have given leave to the introduction of bills of the following titles, viz:

A bill to be entitled,

An an act to amend an act to regulate the leins of judgments and decrees;

A bill to be entitled,

An act to regulate the descent and distribution of the estate of Edmond Rice, deceased, a foreigner;

A bill to be entitled,

An act for the benefit of S. C. Leland;

A bill to be entitled,

An act to dispense with the time prescribed by law for Josephus

F. Griffin and William R. Hudnall, of Madison county, attaining the age of majority;

A bill to be entitled,

An act to authorize the judges of the circuit court of the State of Mississippi, to grant certain remedial writs;

A bill to be entitled,

An act to provide for the sale of lands belonging to the sinking fund for Planters' Bank bonds, and for other purposes.

Mr. President—The house of representatives have passed a preamble and resolutions, authorizing the governor of this state to call upon the government of the United States to be reimbursed the sum of $6,158 22, for expenses paid to the troops called into the service of the United States in the year 1836;

In which they desire the concurrence of the senate.

Mr. Tillman presented the petition of Elizabeth Cottingham, and her daughter, Caræsa;

Which was read.

On motion of Mr. Tiliman,

Said petition was referred to a select committee of three.

Messrs. Tillman, Nicholson and Labauve, were appointed said committee.

Mr. Guion presented the following communication, to-wit:

Vicksburg, Mi., January 22d, 1846.

To the honorable the Senate of the State of Mississippi:

Gentlemen—At a meeting of the citizens of Vicksburg, held at Thatcher's hotel, this evening, it was unanimously

Resolved, That the mayor and council of Vicksburg be requested to receive and entertain the mayor and council of Jackson, the governor and members of the legislature of this state, on their visit to this city on Saturday next.

We hope we shall be able to tender you the hospitalities of the city on that occasiou.

Very respectfully, your obedient servants,

A. M. WINN, pres't.

E. Hansford, sec'y.

Which was read.

On motion of Mr. Guion,

Said communication was laid on the table.

Mr. Matthews presented the claim of William A. Boren, which,

On his motion,

Was referred to the committee on claims.

Mr. Lumpkin presented the claim of John W. Lumpkin, which,

On motion,

Was referred to the committee on claims.

Mr. Williams asked, and obtained leave of absence, for the honorable senator from the counties of Franklin and Jefferson, until Monday week, next.

Mr. Ramsay asked, and obtained leave of absence for the honorable senator from the county of Claiborne, until Monday week, next.

Mr. Horne presented the claim of the Eastern Clarion, which,

On motion,

Was referred to the committee on claims.

Mr. Durr asked, and obtained leave, to the introduction of a bill to be entitled,

An act to amend the 29th section of the 26th chapter of Howard and Hutchison's digest;

Which was read the first time.

On motion of Mr. Durr,

The constitutional rule was dispensed with,

And said bill was read the second time by title;

And on the further motion of Mr. Durr,

Said bill was referred to the judiciary committee.

Mr. Labauve asked, and obtained leave, to the introduction of a bill to be entitled,

An act to declare Quivee, or Tompkins bayou, and the bayou known as Dry bayou, navigable streams;

Which was read the first time.

The senate took up the message last received from the house of representatives:

A bill to be entitled,

An act to prescribe the time of holding the probate court for Issaquena county, and for other purposes therein mentioned;

Was read the first time.

A bill to be entitled,

An act to authorize the same person to hold both the offices of circuit and probate clerk, in Sunflower county;

Was read the first time.

A bill to be entitled,

An act to change the name of Elizabeth Vines, to that of Elizabeth George Wilson;

Was read the first time.

A bill to be entitled,

An act to remove the civil disabilities of Baldy W. Taylor;

Was read the first time.

A bill to be entitled,

An act to legalize the sale and purchase of the 16th section of township 7, range 9, east, being in Scott county, Mississippi, which section was sold on the 25th November, 1839, and purchased by John Thomas, Jesse Thomas, Joshua Flord, and T. M. Pethick, not jointly, but severally;

Was read the first time.

The senate proceeded to the consideration of the orders of the day:

A bill to be entitled,

An act to change the time of holding the probate courts of Hancock county;

Was read the second time.

A bill to be entitled,

An act to authorize and empower the probate court of Hinds county, to appoint some suitable person or persons, to be guardian or guardians, to John Morrison, of said county, and for other purposes;

Was read the second time.

On motion of Mr. Lansdale,

Said bill was referred to a select committee of three.

Messrs. Dupree, Lansdale and Guion, were appointed said committee.

A bill to be entitled,

An act to authorize the selling of the estate of Benjamin F. Herbert, deceased;

Was read the second time.

A bill to be entitled,

An act to legalize the marriage of John C. Lucas and Alpha Strickland, of the county of Covington;

Was read the second time.

A bill to be entitled,

An act granting additional powers to the mayor and selectmen of the city of Natchez;

Was read the second time.

A bill to be entitled,

An act to provide for the payment of the debt due from the state library, and for an interchange of books between this state and the several states of the Union;

Was read the second time,

And ordered to be engrossed for a third reading on Monday next.

A bill to be entitled,

An act to permit judicial officers to absent themselves from this state;

Was read the second time;

And the question was had on the engrossment thereof,

And lost.

Mr. Matthews called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Dupree, Guion, Lipscomb, Labauve, Lansdale, Metcalf, Nicholson, Price, Ramsay, Stewart, Tillman and Williams—13 votes.

Noes—Messrs. Adams, Acker, Booth, Beene, Boone, Dabney, Durr, Horne, Hicks, Johnson, Lumpkin, Matthews, Pegues and Willbourn—14 votes.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

Mr. President—The speaker of the house of representatives has signed bills of the following titles, viz:

An act to incorporate the town of Black Hawk, in the county of Carroll;

An act to change the name of Penyna Wilson to that of Penyna Leech;

An act to authorize Bythell H. Beard, guardian, to remove the property of his ward out of this state, and for other purposes;

An act for the benefit and protection of Adelia V. Elkin, administratrix of the estate of Thomas W. Elkin, deceased, of Monroe county;

Which I am instructed to present to the senate for the signature of the president.

The president signed the bills in said message mentioned.

A bill to be entitled,

An act to amend an act of the Mississippi territory, of March 10th, 1803, revised and amended by an act of December 9th, 1809, incorporating the city of Natchez, and the several acts supplemental thereto;

Was read the second time.

On motion of Mr. Stewart,

The constitutional rule was dispensed with,

And said bill read the second time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to authorize and require the trustees of schools and school lands, in the city of Columbus, in township 18, S., of range 18, W., to execute deeds to lots of less dimensions than one-fourth of one acre, and for other purposes;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bills, have examined bills of the following titles, to-wit:

An act to define the duties of the boards of police of Monroe, Chickasaw and Noxubee counties;

An act supplementary to an act for the incorporation of the University of Mississippi, approved February 24, 1844;

An act for the relief of Thomas F. Collins.

Also, bills originating in the house of representatives:

An act for the benefit and protection of Adelia V. Elkin, administratrix of the estate of Thomas W. Elkin, deceased, of Monroe county;

An act to change the name of Penyna Wilson to that of Penyna Leech;

An act to authorize Bythell H. Beard, guardian, to remove the property of his wards out of this state, and for other purposes;

An act to incorporate the town of Black Hawk, in the county of Carroll.

N. S. PRICE, chairman.

MR. PRESIDENT—The joint standing committee on enrolled bills have this day presented to his excellency, the governor, bills of the following titles, for his approval:

An act to authorize Peter B. Starke to erect a toll bridge across the Noxubee river, at the point at which the road known as the Robinson road, crosses the same, and for other purposes;

An act to repeal an act approved 26th January, 1844, entitled an act to repeal an act incorporating the town of North Mount Pleasant, and for other purposes, and to revive an act approved 2d February, 1838, entitled an act to incorporate the town of North Mount Pleasant, and for other purposes;

An act to authorize the judge of the probate court of Pike county to hold the terms of his court in the clerk's office of said court;

An act for the establishment of a seminary of learning in the city of Jackson;

An act for the relief of William Morris.

Also, Joint resolutions pledging the State of Mississippi to the support of the general government, in maintaining the national rights to the Oregon territory.

N. L. PRICE, chairman.

Mr. Matthews presented the petition of the mechanic association of Holly Springs;

Which was read, and,

On motion of Mr. Matthews,

Said petition was referred to the penitentiary committee.

Mr. Boone offered the following resolution:

Resolved, That a committee of three be appointed, whose duty it shall be to lay off the state into four districts, drawing lines through its geographical centre, east, west, north and south.

And be it further resolved, That in appropriating all funds belonging to the state, raised or donated, for uses of internal improvements, each of said districts shall have one-fourth part expended therein, on such objects of improvement as the representative of the several districts may think most expedient.

And be it further resolved, That if the south-eastern or south-western districts, desire their part expended on a rail road east, and are willing to receive the fund, known as the two per cent. fund, as their distributive share of all the internal improvement fund now subject to the appropriation of the state, or that may be

realized for such purpose, from the sale of any and all land held by the state, the proceeds of which will belong to said internal improvement fund, that they be permitted to draw the same, on such conditions, and for such purpose;

Which was read.

On motion of Mr. Lumpkin,

The senate adjourned until Monday, 12 o'clock, m.

MONDAY, JANUARY 26, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Acker, from a select committee, made the following report:

MR. PRESIDENT—The committee raised to inquire into, and report, the propriety of passing a law to provide for the call of a convention to change the constitution of the state, have had the subject under consideration, and have instructed me to report:

That they regard the present state constitution as pre-eminetly defective in many of its most important provisions. The evils necessarily resulting from its defects, are manifold and onerous, sensibly felt by the great mass of the community, and by them justly made a cause of grievous complaint. That there is a restlesness and feverish anxiety upon this subject, is made most manifest from the repeated attempts that are daily made to engraft alterations and amendments upon that instrument, by the action of the legislature, sanctioned by the vote of the people. Your committee know that it is inherent in the people to possess the power to change, alter, or abolish, their fundamental law, as they may deem advisable and proper—that it is their obvious and imperative duty to do so, when the public good requires it. They do not deem it incumbent upon them to enter into a detailed review of the various imperfections existing in the machinery of their state government. It is sufficient for their purpose, that defects do exist, and ought to be remedied, in a manner the most speedy and effectual, that can be adopted. What, then, is the best, most expeditious and effectual remedy that can be devised by the people, so to perfect their organic law as to meet the high expectations of the friends of a republican government? Your committee are of opinion that a convention is the

only proper and effectual mode of remedying existing evils, and perfecting the organic law of the land. They are aware that the subject should be approached with the utmost caution and circumspection—that it is better for the body politic to submit to temporary inconveniences, and endure evils while they are tolerable, than to incur the hazard of adopting a system of more evils than they now endure. But, when evils are so manifest, that all are complaining, and enquiring after a remedy, the question is not whether or not they shall be endured, but how shall they be most completely and expeditiously removed. Some object to the call of a convention because, they alledge, it would be too great a charge upon the treasury of the state in its present embarrassed condition. The cost would not be so great as the cost of a session of the legislature. This amount could be saved in a very short period under a new constitution, so perfected as to introduce a system of public economy, and free the state from a multitude of burthensome charges that might otherwise be avoided. Your committee do not consider that dollars and cents ought to weigh in the balance against a system of well organized constitutional liberty. Besides, your committee consider that the efforts made to perfect the present constitution by engrafting on it successive amendments, would be attended with nearly, if not quite, as much cost as the call of a convention. Your committee are of opinion that it is impolitic and dangerous, to try to amend the constitution in the manner pointed out by that instrument. The constitution provides that the sense of the people in relation to the proposed change, should be taken at a general election. Those general elections are held for another purpose, entirely distinct from an alteration in the organic law of the land. At this time the minds of the people are too apt to be vexed and harrassed by the political topics of the day. The mind of the voter is too apt to be absorbed by an anxious desire to elevate a political favorite or personal friend, or to defeat a political antagonist and personal enemy. The proposed change may be united and blended with the political issues for the time being, and thus a change in the fundamental law of the land, a matter of the highest importance to the welfare, prosperity, and even existence of the state, is made a matter of minor consequence—a great principle of constitutional liberty bartered for the election of some petty inferior local officer. That at a

general election there is but little interest taken in proposed constitutional amendments, is proven from the fact, that a constitutional number did not vote at all at the November election in 1845, on an amendment of high importance, and so regarded by the members of both branches of the legislature. One would suppose that if said proposed amendment met with their approval, they would have voted for, if with their disapproval, they would have voted against. The degree of apathy which could influence them not to vote at all, is really alarming to the friends of liberty. The effect of this apathy in the public mind, would be to change and alter the constitution by a minority of the whole voters of the state, and precipitately and without due consideration, to make amendments and alterations in the constitution ruinous in their character. Your committee are of opinion, that the caution and circumspection that ought to be observed in changing the constitution, can only be had when the public mind is at rest from political strife and party bustle, and directed with a single eye to that subject alone. The present was adopted in 1833, thirteen years ago. Since that time, the public mind has been so entirely absorbed in the accumulation of money, as to have entirely overlooked the defects in the constitution. A large portion of the state filled since that period, had no voice in its formation. Your committee think that no serious evil can spring from calling the public mind to this subject at the present time. It is wholesome and salutary occasionally to revert to first principles—that a discussion of the nature of the fundamental law of the land, would be instructing to the people—that to this point, the public mind ought to be directed—that no change or alteration in the present constitution can be effected with that mature deliberation which should be had, without such a convention. They have therefore instructed me to report the following bill. J. M. ACKER, ch'n.

Which was read;

And the bill therein reported, entitled,

An act to provide for the call of a convention to change the constitution of the State of Mississippi;

Was read the first time.

On motion of Mr. Boone,

Said bill was laid on the table,

And two hundred copies ordered to be printed.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. President—I am instructed by the house of representatives to inform the senate, that the house have given leave to the introduction of bills of the following titles, to-wit:

A bill to be entitled,

An act for the relief of John A. Cotton, and for other purposes;

A bill to be entitled,

An act for the relief of Alfred Lewis, sheriff of Jackson county;

A bill to be entitled,

A act to amend an act to incorporate the Canton and Jackson rail road company.

They have passed bills, which originated in the house, of the following titles, viz:

A bill to be entitled,

An act for the relief of James H. Thompson, guardian of Emeline S. and William D. King, minor heirs of George R. King, deceased;

A bill to be entitled,

An act to authorize John Nolen to transcribe into suitable books, the minutes of the circuit court of Choctaw county, and for other purposes;

In which they desire the concurrence of the senate.

They have also passed the following joint resolution, viz;

Resolved, (the senate concurring,) That the committee on the penitentiary be instructed to inquire into the expediency of recommending a change in the convict labor, so far as the proceeds arising from the penitentiary will carry it out, and no farther.

Mr. Stewart asked, and obtained leave, to the introduction of a bill to be entitled,

An act to incorporate Concord Lodge, No. 12, of the Independent Order of Odd Fellows;

Which was read the first time.

On motion of Mr. Stewart,

The constitutional rule was dispensed with,

And said bill read the second time,

And ordered to be engrossed for a third reading on to-morrow.

Mr. Wall asked, and obtained leave, to the introduction of a bill to be entitled,

An act to authorize non-resident tax-payers to pay their taxes to the auditor of public accounts;

Which was read the first time.

Mr. Boone presented the petition of sundry citizens of the county of Tishemingo, in relation to declaring Big Bear Creek a navigable stream;

Which, on his motion,

Was referred to a select committee of three.

Messrs. Boone, Price and Acker, were appointed said committee.

Mr. Williams asked, and obtained leave, to the introduction of a bill to be entitled,

An act to amend the several laws of this state in relation to public roads;

Which was read the first time.

The president announced that he had received from the auditor of public accounts, a communication showing the amount of funded warrants that will fall due between this date and the first of March next; also, showing the amount due for the fiscal year, ending 1st March, 1847;

Which was read, and,

On motion of Mr. Horne,

Was laid on the table.

Mr. Beene asked, and obtained leave, to the introduction of a bill to be entitled,

An act to reduce the penalty of the sheriff's bond in Rankin county;

Which was read the first time.

On motion of Mr. Beene,

The constitutional rule was dispensed with,

And said bill read the second time,

And ordered to be engrossed for a third reading on to-morrow.

Mr. Matthews, from a select committee, reported a bill to be entitled,

An act granting a turnpike to William Wright;

Which was read the first time.

Mr. Durr, from the committee on propositions and grievances, to whom had been referred the petition of John Graham, reported unfavorably to the petitioner.

On motion of Mr. Durr,

The report was received,

And the committee discharged.

On motion of Mr. Adams,

The senate concurred in the joint resolution from the house of repsesentatives, with instructions to the committee on the penitentiary with regard to convict labor, &c.

A bill from the house of representatives, to be entitled,

An act to authorize John Nolen to transcribe the minutes of the circuit court of Choctaw county, and for other purposes;

Was read the first time.

A bill from the house, to be entitled,

An act for the relief of James H. Thompson, guardian of Emeline S. and William D. King, minor heirs of George R. King, deceased;

Was read the first time.

The senate proceeded to the consideration of the orders of the day:

A bill to be entitled,

An act to remove the civil disabilities of Baldy W. Taylor;

Was read the second time.

A bill to be entitled,

An act to authorize the same person to hold both the offices of circuit and probate clerk, in Sunflower county;

Was read the second time.

A bill to be entitled,

An act prescribing the time of holding the probate court for Issaquena county, and for other purposes therein mentioned;

Was read the second time.

A bill to be entitled,

An act to legalize the sale and purchase of the sixteenth section of township seven, range nine, east, in Scott county, Mississippi, which section was sold on the 25th November, 1839, and purchased by John C. Thomas, Jesse Thomas, Joshua Flord and T. M. Pethick, not jointly, but severally;

Was read the second time.

Mr. Adams moved to dispense with the constitutional rule,

And read said bill the third time, forthwith,

Which was lost.

A bill from the house, to be entitled,

An act to change the name of Elizabeth Vines to Elizabeth George Wilson;

Was read the second time.

Preamble and resolutions in relation to the reception of money by the State of Mississippi, from the government of the United States, &c.;

Were read the first time.

A bill to be entitled,

An act granting additional powers to the mayor and selectmen of the city of Natchez;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to authorize the selling of the real estate of Benjamin F. Herbert, deceased,

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to change the time of holding the probate courts of Hancock county;

Was read the third time.

On motion of Mr. Ramsay,

Said bill was laid on the table.

A bill to be entitled,

An act to legalize the marriage of John C. Lucas and Alpha Strickland, of the county of Covington;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to supply certain officers in Itawamba county with the statutes of this state;

Was read the second time.

On motion of Mr. Beene,

Said bill was laid on the table.

A bill to be entitled,

An act to authorize the president and selectmen of the town of Macon, to make titles to the south half of fractional block seven, in said town;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to amend the laws of this state in relation to free negroes and mulattoes;

Was read the second time,

And ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act to provide for allowance and payment of physicians for services rendered in certain cases;

Was read the second time.

On motion of Mr. Lumpkin,

Said bill was referred to a select committee of three.

Messrs. Lumpkin, Williams and Willburn, were appointed said committee.

On motion of Mr. Williams,

The honorable senator from the county of Carroll, had leave of absence granted him until Saturday next.

On motion of Mr. Guion,

The honorable senator from the county of Adams, had leave of absence granted him until Saturday next.

A bill to be entitled,

An act to change the name of Sarah Jane Kendall, to that of Sarah Jane Oakley;

Was read the second time,

On motion of Mr. Williams,

Said bill was ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act amendatory of an act entitled an act to reduce the expenditures of the government of the State of Mississippi, approved February 14th, 1842;

Was read the second time.

On motion of Mr. Nicholson,

Said bill was ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act for the relief of securities due the State of Mississippi on account of the sinking fund, and town lot fund, in the city of Jackson;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

On motion of Mr. Guion,

A bill to be entitled,

An act to amend an act entitled an act for the protection and preservation of the rights of married women, approved February 15h, 1839;

Was postponed until Friday week, next.

A bill to be entitled,

An act to repeal a part of an act entitled an act to enable creditors to settle separately with debtors jointly bound to them, approved February 24th, 1844;

Was read the second time.

On motion of Mr. Guion,

Said bill was committed to the whole house, and made the order of the day for to-morrow.

A bill to be entitled,

An act to declare Quivee or Tompkins bayou, and the bayou known as Dry bayou, navigable streams;

Was read the second time,

And ordered to be engrossed for a third reading on to-morrow.

A resolution in relation to Oakland College;

Was read the second time.

On motion of Mr. Guion,

The further consideration thereof was postponed until Tuesday week, next.

A bill to be entitled,

An act to provide for the payment of the debts due for the state library, and for an interchange of books between this state and the several states of the Union;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

On motion of Mr. Boone,

A resolution introduced on Saturday, to divide the state into four districts, &c.;

Was committed to the whole house, and made the order of the day for Thursday next.

Mr. Matthews asked, and obtained leave, to the introduction of a bill to be entitled,

An act to regulate the fees of sheriffs in certain cases;

Which was read the first time.

On motion of Mr. Matthews,

The constitutional rule was dispensed with,

And said bill read the second time,

And ordered to be engrossed for a third reading on to-morrow.

Mr. Dabney, from a select committee, to whom was re-committed a bill to be entitled,

An act to change the time of holding the circuit courts in the fifth judicial district in this state, and for other purposes,

Reported the same back, with an amendment as to the time of holding the court of Sunflower county;

Which report was received, and,

On motion of Mr. Dabney,

Agreed to.

Mr. Acker offered the following amendment, to-wit:

Strike out that portion of the bill as makes a change in the time of holding the courts of Itawamba and Pontotoc;

Which was lost.

Mr. Price offered the following amendment, to-wit:

Provided, That none of the provisions of this act take effect in the 7th judicial district, until the 1st July, 1846;

Which was adopted,

And said bill, as amended, ordered to be engrossed for a third reading on to-morrow.

Mr. Acker called for the ayes and noes on the engrossment thereof, which are as follows, to-wit:

Ayes—Mr. President, Adams, Beene, Boone, Dabney, Durr, Fox, Guion, Horne, Hicks, Lipscomb, Lumpkin, Labauve, Lansdale, Matthews, Pegues, Price, Ramsay, Stewart, T[illegible]man, Wall and Willburn—22 votes.

Noes—Messrs. Acker, Dupree and Williams—3 votes.

On motion of Mr. Tillman,

Mr. Guion was added to the committee appointed on Saturday on the petition of Elizabeth Cottingham, and her daughter, Mentora Careasa Cottingham.

On motion of Mr. Guion,

The senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, JANUARY 27, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

On motion of Mr. Stewart,

The honorable senator from the county of Amite had leave of absence granted him during his indisposition.

Mr. Boone presented the claim of John D. Freeman and S. O. Gibbs; which,

On his motion,

Was referred to the committee on claims.

Mr. Beene presented the claim of Plummer Williams;

Also, the petition of Eli Townsend; which,

On his motion,

Was referred to the committee on propositions and grievances.

Mr. Lansdale asked and obtained leave to the introduction of a bill to be entitled,

An act to repeal all laws prohibiting judges from leaving the state;

Which was read the first time.

Mr. Acker asked and obtained leave to the introduction of a bill to be entitled,

An act supplemental to an act entitled an act to define the powers and duties of the board of police of Monroe, Chickasaw and Noxubee counties;

Which was read the first time.

On motion of Mr. Acker,

The constitutional rule was dispensed with,

And said bill read the second time by title.

Mr. Acker moved to consider said bill as engrossed;

And read it the third time forthwith;

Which was lost;

And said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Dupree, from a select committee, to whom had been referred a bill to be entitled,

An act to authorize and empower the probate court of Hinds county to appoint some suitable person or persons to be guardian or guardians to John Morrison of said county, and for other purposes, reported said bill back with an amendment;

Which was read;

And adopted;

And the bill, as amended, passed.

Ordered, That the title thereof be as stated.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee have this day examined bills of the following titles:

An act to authorize the selling of the real estate of Benjamin F. Herbert, deceased;

An act granting additional powers to the mayor and selectmen of the city of Natchez;

An act to legalize the marriage of John C. Lucas and Alpha Strickland, of the county of Covington;

An act in relation to the bonds of coroners;

An act to incorporate Silas Brown Lodge, No. 65, and the Mississippi Lodge, No. 56, at the town of Rodney, of free and accepted masons;

An act to authorize and require the trustees of schools and school lands, in the city of Columbus, in township 18, south of range 18 west, to execute deeds to lots of less dimensions than one-fourth of an acre, and for other purposes;

An act to amend an act of the Mississippi territory of March 10th, 1803, revised and amended by an act of December the 9th, 1809, incorporating the city of Natchez and the several acts supplementary thereto, originating in the house of representatives, and found the same correctly enrolled.

N. S. PRICE.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

MR. PRESIDENT—The house of representatives have given leave to the introduction of bills of the following titles, viz:

A bill to be entitled,

An act to amend, in part, the revenue laws of this state, and for other purposes;

A bill to be entitled,

An act to change the mode of collecting revenue of hawkers and pedlars;

A bill to be entitled,

An act to provide for the payment of returning officers, judges and clerks of the elections;

A bill to be entitled,

An act for the relief of James H. Thompson, guardian of Emily S. and Wm. D. King, minor heirs of Geo. R. King, dec'd;

A bill to be entitled,

An act to authorize the board of police of Noxubee county to have transcribed into suitable books certain records;

A bill to be entitled,

An act to regulate mileage of members of the legislature;

A bill to be entitled,

An act to authorize John Nolan to transcribe into suitable books the minutes of the circuit court of Choctaw county, and for other purposes;

A bill to be entitled,

An act amendatory and explanatory of an act to designate in what manner and what courts suits shall be brought against the state of Mississippi, approved Feb. 15th, 1833;

A bill to be entitled,

An act to alter the mode of appointing and restricting the number of clerks to the two houses of the legislature;

A resolution in relation to the military academy at West Point.

They have passed a bill to be entitled,

An act in relation to the reporters of the high court of errors and appeals;

In which I am requested to desire the concurrence of the senate.

And have passed a bill from the senate entitled,

An act to authorize the president and selectmen of the town of Macon to make titles to the south half of fractional block 7 in said town.

Mr. Beene asked and obtained leave to the introduction of a bill to be entitled,

An act amendatory of the laws for the relief of the poor;

Which was read the first time.

The senate took up the message last received from the house of representatives.

A bill to be entitled,

An act in relation to the reporters of the high court of errors and appeals;

Was read the first time.

The senate proceeded to the consideration of the orders of the day.

A bill to be entitled,

An act to remove the civil disabilities of Baldy W. Taylor;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to authorize the same person to hold both the offices of circuit and probate clerk in Sunflower county;

Was read the the time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act prescribing the time for holding the probate court for Issaquena county, and for other purposes therein mentioned;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to legalize the sale and purchase of the 16th section of township 7, range 9 east, being in Scott county, Mississippi; which section was sold on the 25th November, 1839, and purchased by John Thomas, Jesse Thomas, Joshua Flord and T. M. Patrick, not jointly, but severally;

Was read the third time; and,

On motion of Mr. Adams,

Laid on the table.

Mr. Acker asked and obtained leave to the introduction of a bill to be entitled,

An act to add Monroe and Chickasaw counties to the vice-chancery district at Columbus;

Which was read the first time.

Mr. Lansdale asked and obtained leave to the introduction of a bill to be entitled,

An act to repeal certain laws in relation to the road hands in Honey Island in Holmes county;

Which was read the first time.

On motion of Mr. Lansdale,

The constitutional rule was dispensed with,

And said bill was read the second time by title;

And ordered to be engrossed for a third reading on to-morrow.

Mr. Acker offered the following resolution, to-wit:

Resolved, (with the concurrence of the house of resresentatives,) That the committee on education be hereafter a joint standing committee;

Which was read.

On motion of Mr. Acker,

The rule was dispensed with,

And said resolution read the second time forthwith;

And adopted.

Mr. Boone offered the following resolution, to-wit:

Be it Resolved, by the Legislature of the State of Mississippi, That room No. 4, in the basement story of the capital, be, and the same is hereby appropriated as an office for the use of the state commissioner; and the keeper of the capitol is hereby authorized and required to set apart the room aforesaid for the above purpose, and to deliver to the state commissioner the key thereof.

Which was read the first time.

On motion of Mr. Boone,

The constitutional rule was dispensed with,

And said resolution read the second time;

And ordered to be engrossed for a third reading on to-morrow.

The following message was received from his excellency, the governor, through his private secretary, to-wit:

Mr. President—I am instructed by his excellency, the governor, to inform the senate that he has approved and signed bills which originated in the senate, of the following titles, to-wit:

An act to authorize the judge of the probate court of Pike county to hold the terms of his court in the clerks office of said court;

An act for the establishment of a seminary of learning in the city of Jackson;

An act to authorize Peter B. Starke to erect a toll bridge across the Noxubee river at the point at which the road known as the Robinson road crosses the same, and for other purposes;

Joint resolutions pledging the state of Mississippi to the support of the general government in maintaining the national right to the Oregon territory.

An act supplementary to an act for the incorporation of the University of Mississippi, approved Feb. 24th, 1844;

An act for the relief of Thomas F. Collins.

On motion of Mr. Adams,

The vote taken on yesterday, which ordered the engrossment of a bill to be entitled,

An act to change the time of holding the circuit courts in the fifth judicial district in this state, and for other purposes;

Was reconsidered.

On motion of Mr. Boone,

Said bill was referred back to the same select committee from whom the report came on yesterday.

A bill to be entitled,

An act to change the name of Elizabeth Vines to that of Elizabeth George Wilson;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

Preamble and resolutions in relation to the reception of money by the state of Mississippi from the government of the United States;

Was read the second time.

On motion of Mr. Matthews,

Said preamble and resolutions were referred to a select committee of three.

Messrs. Matthews, Boone and Fox were appointed said committee.

A bill to be entitled,

An act for the relief of James H. Thompson, guardian of Emily S. and William D. King, minor heirs of George R. King, deceased;

Was read the second time.

A bill to be entitled,

An act to authorize John Nolen to transcribe into suitable books the minutes of the circuit court of Choctaw county, and for other purposes;

Was read the second time.

A bill to be entitled,

An act to amend the several laws of the state in relation to public roads;

Was read the second time.

On motion of Mr. Williams,

Said bill was referred to a select committee of three.

Messrs. Williams, Dupree and Hicks were appointed said committee.

A bill to be entitled,

An act to authorize non-resident tax payers to pay their taxes to the auditor of public accounts;

Was read the second time,

And ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act granting a turnpike to William Wright;

Was read the second time.

Mr. Matthews offered the following amendment, to-wit:

Fill the blank with twenty years.

Mr. Boone moved to fill the blank with fifteen years;

Which was accepted by Mr. Matthews;

And the question had on the adoption thereof;

And decided in the affirmative.

Mr. Guion offered the following amendment, to-wit:

Amend by striking out all the proviso to the first section after the word 'toll' and insert when going to and from courts and elections;

Which was adopted.

Mr. Lumpkin offered the following amendment to-wit:

Provided said turnpike shall not interfere with any public road already established;

Which was lost.

On motion of Mr. Matthews,

Said bill was laid on the table.

Mr. Adams called from the table a bill to be entitled,

An act to legalize the sale and purchase of the 16th section, township 7, range 9 east, being in Scott county, Mississippi; which section was sold the 25th November, 1839, and purchased by John C. Thomas, Jesse Thomas, Joshua Flord and T. M. Pettick, not jointly, but severally;

Which was passed.

Ordered, That the title thereof be as stated.

Mr. Ramsay called from the table a bill to be entitled,

An act to change the time of holding the probate court of Hancock county;

Which was passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to declare Quivee or Tompkins' bayou, and the bayou known as dry bayou navigable streams;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

Mr. Boone called from the table a bill to be entitled,

An act to provide for the sale of the 500,000 acres of land, donated the state of Mississippi by an act of congress, approved 6th of September, A. D. 1841, and for other purposes.

Mr. Labauve moved to commit said bill to the whole house, and make the same the order of the day for Thursday week next.

Mr. Boone moved to commit said bill to the whole house, and make the same the order of the day for Wednesday week next.

The question was first had on the motion of Mr. Labauve;

Which prevailed.

A bill to be entitled,

An act to incorporate Concord Lodge, No. 12, of independent order of odd fellows;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to amend the laws of this state in relation to free negroes and mulattoes;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to reduce the penalty of the sheriff's bond in the county of Rankin;

Was read the third time,

And lost.

The following message was received from the house of representatives, through their clerk, Mr. Montgomery, to-wit:

Mr. President—The speaker of the house of representatives has signed bills, which originated in the house of representatives, of the following titles, viz:

A bill to be entitled,

An act to to legalize the marriage of John C. Lucas and Alpha Strickland, of the county of Covington;

An act to incorporate Silas Brown Lodge, No. 65, and the Mississippi Lodge, No. 56, at the town of Rodney, of free and accepted masons;

An act to authorize the selling of the real estate of Benjamin F. Herbert, deceased;

An act to authorize and require the trustees of schools and school lands, in the city of Columbus, in township 18, south of range 18 west, to execute deeds to lots of less dimensions than one-fourth of one acre, and for other purposes;

An act granting additional powers to the mayor and selectmen of the city of Natchez;

An act in relation to the bonds of coroners;

An act to amend an act of the Mississippi territory of March 10th, 1803, revised and amended by an act of December 9th, 1809, incorporating the city of Natchez, and the several acts supplemental thereto;

Which I am instructed to present to the senate for the signature of the president.

They have passed a bill to be entitled,

An act for the relief of the heirs of Charles Perkins;

Also, a bill to be entitled,

An act for the relief of Jesse Sullivant, a citizen of Tallahatchie county;

In which they desire the concurrence of the senate.

The president signed the bills in said message mentioned.

A bill to be entitled,

An act to regulate the fees of sheriffs in certain cases;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to change the name of Sarah Jane Kendall to that of Sarah Jane Oakley, and for other purposes;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

The senate resolved itself into commmittee of the whole on a bill to be entitled,

An act to repeal a part of an act entitled an act to enable creditors to settle separately with debtors jointly bound to them, approved Feb. 24th, 1844;

And after some time spent therein,

The committee rose; and,

Mr. Horne reported said bill back with an amendment.

On motion of Mr. Horne,

The report was received.

The question was then had on the engrossment thereof;

Which was lost.

The following message was received from the house of representatives, through their clerk, Mr. Montgomery, to-wit:

Mr. President—The house of representatives have passed bills of the following titles, viz:

A bill to be entitled,

An act to regultate the descent and distribution of the estate of Edmund Rice, deceased, a foreigner;

A bill to be entitled,

An act for the relief of Tillman Mitchell, late sheriff of Kemper county;

A bill to be entitled,

An act to amend an act to abolish the office of commissioner of public buildings, and for other purposes, approved February 6th, 1841;

In which they desire the concurrence of the senate.

The senate took up said message.

A bill to be entitled,

An act to regulate the descent and distribution of the estate of Edmund Rice, deceased, a foreigner;

Was read the first time.

A bill to be entitled,

An act for the relief of Tillman Mitchell, late sheriff of Kemper county;

Was read the first time.

A bill to be entitled,

An act to amend an act to abolish the office of commissioner of public buildings, and for other purposes, approved February 6th, 1841;

Was read the first time.

A bill to be entitled,

An act for the relief of Jesse Sullivant, a citizen of Tallahatchie county;

Was read the first time.

Mr. Labauve, from a select committee, to whom had been referred the petition of Chapman Levy, reported a bill to be entitled,

An act to authorize Chapman Levy of Attala county, to emancipate two slaves;

Which was read the first time.

Mr. Labauve asked and obtained leave to the introduction of a bill to be entitled,

An act to repeal an act to prevent the sacrifice of real estate sold under execution, decrees in chancery, and deeds of trust;

Which was read the first time.

Mr. Tillman, from a select committee, reported a bill to be entitled,

An act to relinquish the claims of the state by escheat of Till-

man Alfred Cothingham, deceased, in favor of certain persons therein named;

Which was read the first time.

On motion of Mr. Guion,

The constitutional rule was dispensed with,

And said bill read the second time by title,

And ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act for the relief of the heirs of Charles Perkins;

Was read the first time.

A bill to be entitled,

An act amendatory of an act entitled an act to reduce the expenditures of the government of the state of Mississippi, approved February 14th, A. D. 1842;

Was read the third time; and,

On motion of Mr. Lipscomb,

Referred to the judiciary committee.

On motion of Mr. Lansdale,

The senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, JANUARY 28, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Labauve, from a select committee, reported a memorial of the legislature of the State of Mississippi, to the Congress of the United States;

Which was read the first time.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

MR. PRESIDENT—The joint standing committee on enrolled bills have examined bills of the following titles:

An act to authorize the president and selectmen of the town of Macon, to make titles to the south half of fractional block seven, in said town;

An act to authorize boards of police for the several counties in this state, to establish, change and alt[illegible]e districts for the election of justices of the peace and consta[illegible];

An act prescribing the time of holding the probate court for Issaquena county, and for other purposes therein mentioned;

An act to legalize the sale and purchase of the sixteenth section of township seven, range nine, east, lying in Scott county, Mississippi, which section was sold on the 25th of November, 1839, and purchased by John C. Thomas, Jesse Thomas, Joshua Flord and T. M. Petthick, not jointly, but severally;

An act to authorize the same person to hold both the offices of circuit and probate clerk, in Sunflower county;

An act to change the time of holding the probate court in the county of Hancock;

An act to remove the civil disabilities of Baldy W. Taylor;

An act to change the name of Elizabeth Vines to that of Elizabeth George Wilson.

All which are correctly enrolled.

N. L. PRICE, chairman.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

MR. PRESIDENT—The joint standing committee on enrolled bills have this day presented to his excellency, the governor, bills of the following titles for his approval:

An act to authorize the selling of the real estate of Benjamin F. Herbert, deceased;

An act to authorize and require the trustees of school lands in the city of Columbus, in township 18, south, of range 18, west, to execute deeds to lots of less dimensions than one-fourth of an acre, and for other purposes;

An act to incorporate Silas Brown Lodge No. 65, and the Mississippi Lodge No. 56, at the town of Rodney, of free and accepted masons;

An act to legalize the marriage of John E. Lucas and Alpha Strickland, of the county of Covington;

An act granting additional powers to the mayor and selectmen of the city of Natchez;

An act to amend an act of the Mississippi Territory, of March 10th, 1803, revised and amended by an act of December 9th, 1809, incorporating the city of Natchez, and the several acts supplemental thereto;

An act in relation to the bonds of coroners.

N. S. PRICE, chairman.

Mr. Matthews asked, and obtained leave, to the introduction of a bill, to be entitled,

An act to alter and amend the 5th section of an act entitled an act to regulate the solemnization of marriages, prohibiting such as are incestuous, or otherwise unlawful, passed June 29th, 1822;

Which was read the first time.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

MR. PRESIDENT—The house of representatives have given leave to the introduction of bills of the following titles, viz:

A bill to be entitled,

An act to construe and amend an act to regulate the mode of obtaining license to sell vinous and spirituous liquors, approved the 22d February, 1842;

A bill to be entitled,

An act to authorize the holders of bonds and writings obligatory, to sue in one action the makers and endorsers, and for other purposes;

A bill to be entitled,

An act to repeal an act to prevent the sacrifice of real estate, sold under execution, decrees in chancery and deeds of trust, approved February 28th, 1842;

A bill to be entitled,

An act to change the name of Thomas Henry Daniel, to that of Smith Coffee Daniel.

They have passed bills of the following titles, to-wit:

A bill to be entitled,

An act to authorize the taking of depositions in certain cases, and for other purposes;

A preamble and resolutions asking congress to erect light houses, and for other purposes.

Also, a joint resolution, as follows, to-wit:

Resolved, (the senate concurring,) That the auditor of public accounts be instructed not to issue a warrant for the sum of seven hundred dollars, in accordance with the provisions of a bill passed by the present legislature, for the relief of William Morris, until investigation be made into that subject;

In which they desire the concurrence of the senate.

The senate took up the resolution in said message mentioned, with regard to the bill for the relief of William Morris.

On motion of Mr. Labauve,

Said resolution was concurred in.

A preamble and resolutions from the house of representatives, asking congress to erect light-houses, and for other purposes;

Was read the first time.

A bill to be entitled,

An act for the relief of Jesse Sullivant, a citizen of Tallahatchie county;

Was read the second time.

On motion of Lumpkin,

Said bill was laid on the table.

A bill to be entitled,

A act for the relief of James H. Hampson, guardian of Emeline and William D. King, minor heirs of George R. King, deceased;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to authorize John Nolen to transcribe the minutes of the circuit court of Choctaw county, and for other purposes;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act for the relief of Tillman Mitchell, late sheriff of Kemper county;

Was read the second time.

On motion of Mr. Lipscomb,

Said bill was referred to the committe on claims.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

Mr. President—The house of representatives have passed bills of the following titles, to-wit:

A bill to be entitled,

An act to change the name of Rachael Laura Randell to that of Laura Randell Taylor;

A bill to be entitled,

An act to incorporate Black Hawk male and female academies, in the county of Carroll;

In which they desire the concurrence of the senate.

Mr. President—The speaker of the house of representatives has signed bills, which originated in the house, of the following titles, viz:

An act to authorize the same person to hold both the offices of circuit and probate clerk, in Sunflower county;

An act to change the time of holding the probate court in the county of Hancock;

An act prescribing the time of holding the probate court for Issaquena county, and for other purposes therein mentioned;

An act to legalize the sale and purchase of the sixteenth section of township seven, range nine, being in Scott county, Mississippi, which section was sold on the 25th November, 1839, and purchased by John C. Thomas, Jesse Thomas, Joshua Flord, and T. M. Pattrick, not jointly, but severally;

An act to remove the civil disabilities of Baldy W. Taylor;

An act to change the name of Elizabeth Vines to that of Elizabeth George Wilson;

Which I am instructed to present to the senate for the signature of the president.

The president signed the bills in said message mentioned.

A bill to be entitled,

An act in relation to the reporter of the high court of errors and appeals;

Was read the second time.

Mr. Labauve offered the following amendment, to-wit:

Provided, That the attorney general be made the reporter of the said court, and that the work of printing be done in this state;

Which was adopted.

On motion of Mr. Price,

Said bill, and the amendment, was committed to the whole house, and made the order of the day for Monday next.

Mr. Boone, from a select committee, reported a bill to be entitled,

An act to declare Big Bear Creek a navigable stream, and for other purposes;

Which was read the first time.

On motion of Mr. Boone,

The constitutional rule was dispensed with,

And said bill read the second time by title,

And ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act to regulate the descent and distribution of the estate of Edmund Rice;

Was read the second time.

A bill to be entitled,

An act to abolish the office of commissioner of public buildings, and for other purposes;

Was read the second time.

A bill to be entitled,

An act for the relief of the heirs of Charles Perkins;

Was read the second time.

On motion of Mr. Guion,

The constitutional rule was dispensed with,

And said bill read the third time forthwith,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to repeal all laws prohibiting judges from leaving the state;

Was read the second time.

On motion of Mr. Lansdale,

Said bill was laid on the table.

A bill to be entitled,

An act to authorize Chapman Levy, of Attala county, to emancipate two slaves;

Was read the second time.

Mr. Lipscomb moved the indefinite postponement of said bill;

Which was lost.

On motion of Mr. Matthews,

Said bill was committed to the whole house,

And made the order of the day for to-morrow.

A bill to be entitled,

An act to repeal an act to prevent the sacrifice of real estate sold under execution, decrees in chancery and deeds of trust;

Was read the second time.

Mr. Adams moved the indefinite postponement of said bill;

Which was lost.

On motion of Mr. Labauve,

Said bill was ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act to add Monroe and Chickasaw counties, to the chancery district at Columbus;

Was read the second time.

On motion of Mr. Acker,

Said bill was laid on the table.

A bill to be entitled,

An act amendatory of the laws for the relief of the poor;

Was read the second time,

And ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act to repeal certain laws in relation to the road hands in Honey Island;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

Mr. Price moved for an adjournment till to-morrow morning, 10 o'clock;

Which was lost.

A bill to be entitled,

An act supplemental to an act entitled an act to define the powers and duties of the boards of police of Monroe, Chickasaw and Noxubee counties;

Was read the third time.

On motion of Mr. Lipscomb,

Said bill was postponed till to-morrow.

A bill to be entitled,

An act to amend an act entitled an act, approved February 24th, 1844, entitled an act to amend the several acts of limitations, and for other purposes;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A resolution appropriating room No. 4, in the basement story of the capitol, to the state commissioner;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to authorize non-resident tax-payers to pay their taxes to the auditor of public accounts;

Was read the third time.

On motion of Mr. Adams,

Said bill was laid on the table.

The senate resolved itself into committee of the whole, on a bill to be entitled,

An act to incorporate the Southern Rail Road Company;

And after some time spent therein,

The committee rose,

And Mr. Acker reported progress, and asked leave to sit again on to-morrow, 11 o'clock.

On motion of Mr. Acker,

The report was received and agreed to.

Mr. Matthews presented the petition of William Nichols;

Which, on his motion,

Was referred to the committee on propositions and grievances.

A bill from the house of representatives, to be entitled,

An act to incorporate Black Hawk male and female academy, in the county of Carroll;

Was read the first time.

A bill to be entitled,

An act to change the name of Rachael Laura Randell to that of Laura Randell Taylor;

Was read the first time.

A bill to be entitled,

An act to relinquish the claim of the state escheat to the estate of William Alfred Gottingham, deceased, in favor of certain persons therein named;

Was read the third time.

Mr. Hicks offered the following amendment, to-wit:

Amend, by way of ryder:

Sec. ——. *Be it further enacted*, That before this act shall take effect, all lawful expenses incurred by the state or its officers, in the prosecution of said escheat, shall be paid by said persons hereby declared heirs;

Which was adopted,

And said bill, as amended, passed.

Ordered, That the title thereof be as stated.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

Mr. President—The house of representatives have passed a bill from the senate of the following title, to-wit:

A bill to be entitled,

An act for the relief of Isaac Chrisman, and for other purposes.

They have also passed bills from the senate of the following titles, to-wit:

A bill to be entitled,

An act to restore a board of trustees of the 16th section, township 5, range 3, east;

A bill to be entitled,

An act declaring Lususcoona river a navigable stream, and for other purposes;

A bill to be entitled,

An act for the relief of John H. Rollins;

A bill to be entitled,

An act to incorporate Yazoo Lodge No. 42;

And a resolution inserting an amendment in the constitution of this state.

They have concurred in the resolution from the senate, consolidating the committee on education.

A bill to be entitled,

An act authorizing taking depositions in certain cases, and for other purposes;

Was read the first time.

On motion of Mr. Fox,

The senate adjourned until to-morrow morning, 10 o'clock

THURSDAY, JANUARY 29, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Labauve offered the following resolution, to-wit:

Resolved, (the house of representatives concurring,) That a joint committee of three on the part of the senate and —— on the part of the house of representatives be appointed to consider of the propriety of incorporating the town of Lexington in Holmes county;

Which was read.

On motion of Mr. Lansdale,

The rule was dispensed with,

And said resolution read the second time,

And adopted forthwith.

Messrs. Lansdale, Miles and Horne were appointed said committee.

Mr. Labauve presented the petition of Susan Brown;

Which was read; and,

On motion of Mr. Labauve,

Laid on the table.

Mr. Labauve offered the following resolution, to-wit:

Resolved, (the house concurring,) That a joint select committee of three on the part of the senate and —— on the part of the house be appointed, whose duty it shall be to take into consideration the relief of sundry citizens in the counties of Tunica, Coahoma, Bolivar and Sunflower, who were residents on lands at the time and anterior to the location made by state commissioners on account of the school lands and the 500,000 acres of land granted by congress to the state;

Which was read.

On motion of Mr. Labauve,

The rule was dispensed with,

And said resolution read the second time forthwith,

And adopted.

Messrs. Labauve, Price and Matthews were appointed said committee.

Mr. Acker presented the petition of sundry citizens of the town of Aberdeen, and county of Monroe;

Which was read;

And accompanied said petition with a bill to be entitled,

An act to repeal, in part, and amend an act to incorporate the town of Aberdeen, in the county of Monroe, approved May 12th, 1837.

On motion of Mr. Acker,

Said bill was referred to a select committee of three.

Messrs. Acker, Williams and Lipscomb were appointed said committee.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

Mr. President—The house of representatives have given leave to the introduction of bills of the following titles, viz:

A bill to be entitled,

An act to define the manner of issuing warrants against offenders charged with commission of felony;

A bill to be entitled,

An act to define in what justices districts suit may be brought;

A bill to be entitled,

An act to provide for assessing and collecting taxes in certain counties therein named, and for other purposes;

A bill to be entitled,

An act to define the fees of judges of probate, and for other purposes.

Mr. Beene, from the joint standing committee on the penitentiary, made the fellowing report, to-wit:

REPORT of the Joint Standing Committee on the Penitentiary.

Mr. Speaker:—The joint standing committee on the Penitentiary, having completed their investigations of the condition of that institution, beg leave to report:

That they have diligently enquired into all matters pertaining to that institution, have compared the reports of its various officers with the facts and books as far as was practicable, and find said reports and accounts strictly correct.

Every attention seems to have been paid to keeping the prison clean, comfortable and healthy, and a wholesome moral discipline seems not to have been neglected in the institution.

Your committee finding this institution in a prosperous condition, paying all its annual expenses in every way, and apparently

answering fully the expectations of the public, having ceased to be a burthen on the State Treasury, while it prevents the violators of law and morals from committing further offences for a time deemed sufficient to atone for the injury done and reform them for a life of usefulness, have had their attention mostly directed to important changes in the labor of the convicts, so as to remove the just complaints of a large and respectable class of our citizens; and after a careful investigation of this subject, your committee have arrived at the conclusion that the appropriation of the funds now on hand, and such as will necessarily accumulate in the course of a few months, will enable the institution to purchase a good engine of from twenty to thirty horse power and necessary fixtures to put the same into operation, while a portion of the labor of the convicts could be directed to erecting the necessary furnace, and buildings sufficient to contain the machinery at present on hand, to be propelled by such engine, and also allow room to attach such other machinery for manufacturing coarse cotton and woollen goods as would be sufficient to employ almost the entire labor of the convicts in this branch of industry. So soon as such machinery could be obtained, and in consequence of the great public anxiety manifested on this subject, your committee have given it due consideration, and arrived at the conclusion that it is advisable to make an advance to the institution for the purpose of facilitating this object, from the State Treasury, of the sum of four thousand dollars, believing that this sum, in addition to the amount now on hand and accumulating, would enable the institution in the course of the present year, to employ most of the convicts in manufacturing coarse cotton and woollen goods, which business is considered as profitable as their present occupations, and the institution would in a short time, without any further aid from the State, be able to purchase as much more machinery of this kind as would be necessary to employ all the labor of the convicts, and thus divert it from its present employment in the mechanic arts.

Your committee have had their attention directed to the subject of leasing out to individuals, the Penitentiary for a term of years, and after a thorough examination have arrived at the conclusion, that it is better to continue its management by officers appointed by the State.

Your committee take pleasure in stating that so far as they have

been able to judge, the present officers have discharged their duties faithfully and efficiently, in every respect.

In conclusion your committee beg leave to suggest the following resolutions, to-wit:

1st. *Resolved, by the Legislature of the State of Mississippi,* That the Superintendent of the State Penitentiary, under the direction of the Board of Inspectors, is hereby authorized and directed to erect suitable buildings for the reception of an engine and machinery for manufacturing coarse cotton and woollen goods, sufficient for the labor of eighty hands.

2d. *Resolved,* That said Superintendent, under the direction of the Board of Inspectors, procure a suitable engine and fixtures to propel said machinery, with the funds now on hand and accumulating, and employ the same in putting into operation such machinery as is now on hand.

3d. *Resolved,* That it is expedient to appropriate out of the State Treasury the sum of $4,000, to be applied to the purchase of such additional machinery as may be suitable for manufacturing coarse cotton and woollen goods, to be driven by said engine, and have said machinery ready to attach thereto, as soon as possible after said engine and buildings are ready therefor.

4th. *Resolved,* That all the said machinery be kept constantly at work, and as much labor applied to the manufacturing coarse cotton and woollen goods as can be advantageously employed for that purpose.

5th. *Resolved,* That all the nett proceeds of said institution, after putting the said machinery into operation, shall be applied to repay to the State the above sum of $4,000, unless the next Legislature should direct an extension of machinery therewith.

All of which, referring to the documents already printed, is respectfully submitted.

R. O. BEENE,
Chairman of Senate Committee.
JOHN J. McCAUGHAN,
Chairman of House Committee.

Which was read.

On motion of Mr. Beene,

Said report was received.

On further motion of Mr. Beene,

Two hundred copies of said report and accompanying resolutions were ordered to be printed.

On motion of Mr. Matthews,

The report and resolutions were laid on the table.

A bill to be entitled,

An act to incorporate Black Hawk male and female academys in the county of Carroll;

Was read the second time,

Mr. Miles asked and obtained leave for the introduction of a bill to be entitled,

An act for the relief of William S. Bailey;

Which was read the first time.

On motion of Mr. Miles,

The constitutional rule was dispensed with,

And said bill read the second time by title; and,

On the further motion of Mr. Miles,

Said bill was considered as engrossed;

The rule further dispensed with,

And said bill was read the third time forthwith,

And passed.

Ordered, That the title thereof be as stated.

Mr. Williams, from a select committee, to whom had been referred a bill to be entitled,

An act to amend the several laws of this state in relation to public roads;

Reported a bill of the following title, in lieu thereof, to-wit:

A bill to be entitled,

An act appointing road inspectors in Chickasaw county;

Which was read the first time.

On motion of Mr. Williams,

The constitutional rule was dispensed with,

And said bill read the second time by title.

Mr. Johnson offered the following amendment, to-wit:

Amend so as to include Choctaw county;

Which was adopted;

And said bill, as amended, ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Williams,

The first named bill was laid on the table.

Mr. Durr, from the committee on propositions and grievances, to whom had been referred the petition of Eli Townsend and Mary, his wife, and others, reported unfavorably to said petitioners;

And asked leave to be discharged from the further consideration thereof;

Which motion was received; and,

On motion of Mr. Durr,

Agreed to.

A bill to be entitled,

An act to change the name of Rachel Laura Randell to that of Laura Randell Taylor;

Was read the second time.

A bill to be entitled,

An act to authorize taking depositions in certain cases, and for other purposes;

Was read the second time.

Mr. Matthews offered the following amendment, to-wit:

Strike out 'reasonable,' and insert, 'at least ten days.'

On motion of Mr. Adams,

Said bill and amendment were indefinitely postponed.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bils have examined bills of the following titles:

An act to restore a board of trustees of the sixteenth section, in township number five, range number three east;

An act to declare Lususcoona a navigable stream, and for other purposes;

An act for the relief of Isaac Chrisman, and for other purposes;

An act for the relief of John H. Rollins;

A resolution inserting an amendment in the constitution of the state;

An act to incorporate Yazoo Lodge, No. 42;

An act to authorize John Nolen to transcribe into suitable books the minutes of the circuit court of Choctaw county, and for other purposes;

An act for the relief of the heirs of Charles Perkins;

An act for the relief James H. Thompson, guardian of Eme-

line S. and William D. King, minor heirs of George R. King, deceased;

And found the same correctly enrolled.

N. S. PRICE, chairman.

Mr. Acker asked and obtained leave to the introduction of a bill to be entitled,

An act for the relief of tax collectors of Monroe, Lowndes and Noxubee counties;

Which was read the first time.

On motion of Mr. Acker,

The constitutional rule was dispensed with,

And said bill read the second time by title.

Mr. Durr offered the following amendment, to-wit:

Amend by adding, 'the sheriff of Lauderdale county,' after the county of Lowndes;

Which was adopted.

Mr. Beene offered the following amendment, to-wit:

Insert, 'and Albert James, sheriff and tax collector of Itawamba county.'

Mr. Boone offered the following amendment to the amendment, to-wit:

After Itawamba, insert 'Tishemingo';

And the question was had on the adoption of the amendment to the amendment;

Which was decided in the affirmative.

The question was then hnd on the adoption of the amendment as amended;

Which was decided in the affirmative.

Mr. Williams offered the following amendment, to-wit:

Insert, 'the sheriff and tax collector of Chickasaw.'

Mr. Hicks offered the following amendment to the amendment, to-wit:

After Chickasaw, insert 'Leake';

The question was then had on the adoption of the amendment to the amendment;

And decided in the affirmative.

The question was then had on the adoption of the amendment as amended;

And decided in the affirmative.

Mr. Matthews offered the following amendment, to-wit:

Strike out the names in the bill, and insert, 'the several sheriffs of this state.'

Mr. Guion moved to reject said bill;

Which was lost.

The question was then had on the adoption of the amendment of Mr. Matthews;

Which was decided in the affirmative.

Mr. Fox moved to commit said bill to the judiciary committee;

Which was lost.

On motion of Mr. Boone,

Said bill was referred to a select committee of three.

Messrs. Boone, Acker and Guion were appointed said committee.

The following message was received from the house of representatives, through Mr. Montgomery, their clerk, to-wit:

Mr. President—The house of representatives have passed a bill from the senate of the following title, to wit:

A bill to be entitled,

An act to amend an act entitled an act to incorporate the Chuquatontia turnpike company;

And have made sundry amendments thereto;

In which I am instructed to desire the concurrence of the senate.

They have concurred in the amendment made by the senate to the house bill entitled,

An act to authorize and empower the probate court of Hinds county to appoint some suitable person or persons to be guardian or guardians to John Morrison of said county, and for other purposes.

The senate took up said message.

On motion of Mr. Williams,

The senate disagreed to the amendments made by the house of representatives to a bill from the senate entitled,

An act to incorporate the Chuquatontia turnpike company.

On motion of Mr. Adams,

The senate resolved itself into committee of the whole, on a bill to be entitled,

An act to incorporate the southern rail road company;

And after some time spent therein,

The committee rose; and,

Mr. Acker reported back said bill with sundry amendments thereto.

On motion of Mr. Acker,

The report was received.

On motion of Mr. Matthews,

The further consideration of said bill and the amendments thereto, was postponed until Monday next.

Preamble and resolutions asking congress to erect light-houses, and establish a mail route on the sea coast of Mississippi, &c.;

Were read the second time.

On motion of Mr. Ramsay,

The constitutional rule was dispensed with,

And said preamble and resolutions were read the third time orthwith,

And adopted.

Mr. Beene offered the following resolution, to-wit:

Resolved, (the house of representatives concurring,) That the two houses will meet in the representative hall on Saturday, at 11 o'clock, a. m., for the purpose of electing a superintendent, assistant keeper, and clerk of the penitentiary;

Which was read.

On motion of Mr. Beene,

The rule was dispensed with,

And said resolution read the second time forthwith,

And adopted.

A bill to be entitled,

An act to amend an act entitled an act to abolish the office of commissioner of public buildings, and for other purposes, approved February 6th, 1844;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

Mr. President—The speaker of the house of representatives has signed bills, which originated in the house of representatives, of the following titles, to-wit:

An act to authorize John Nolen to transcribe the minutes of the circuit court of Choctaw county, and for other purposes;

An act for the relief of James H. Thompson, guardian of Emeline S. and William D. King, minor heirs of George R. King, deceased;

An act for the relief of the heirs of Charles Perkins;

Which I am instructed to present to the senate for the signature of the president.

Mr. President—The house of representatives have passed a bill from the senate of the following title, to-wit:

A bill to be entitled,

An act to change the name of Sarah Jane Kendall to that of Sarah Jane Oakley, and for other purposes.

The president signed the bills in said message mentioned.

A bill to be entitled,

An act to regulate the descent and distribution of the estate of Edmund Rice, deceased, a foreigner;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to alter and amend the fifth section of an act entitled an act to regulate the solemnization of marriage, prohibiting such as are incestuous or otherwise unlawful, passed June 29th 1822;

Was read the second time.

On motion of Mr. Miles,

Said bill was rejected.

A memorial of the legislature of the state of Mississippi to the congress of the United States;

Was read the second time.

On motion of Mr. Boone,

The constitutional rule was dispensed with,

And said memorial read the third time forthwith,

And adopted.

A bill to be entitled,

An act to repeal an act to prevent the sacrifice of real estate sold under execution, decrees in chancery, and deeds of trust;

Was read the third time.

On motion of Mr. Matthews,

The further consideration of said bill was postponed until Tuesday next.

A bill to be entitled,

An act to declare big bear creek a navigable stream;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act amendatory of the laws for the relief of the poor;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act supplemental to an act entitled an act to define the powers and duties of the boards of police of Monroe, Chickasaw and Noxubee counties;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

The senate resolved itself into committee of the whole, on a bill and resolution of the following titles to-wit:

A bill to authorize Chapman Levy of Attala county, to emancipate two slaves;

A resolution to divide the state into four districts, &c.;

And after some time spent therein,

The committee rose; and,

Mr. Boone reported said bill with an amendment.

On motion of Mr. Boone,

The report was received, and the amendment concurred in.

The question was then had upon the engrossment thereof;

Which was lost.

Mr. Lipscomb called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Adams, Beene, Dabney, Guion, Hicks, Labauve, Lansdale, Matthews, Miles, Price, Stewart and Tillman—12 votes.

Noes—Mr. President, Acker, Boone, Dupree, Durr, Horne, Johnson, Lipscomb, Lumpkin, Nicholson, Ramsay, Williams and Willburn—13 votes.

Mr. Lansdale moved to discharge the committee of the whole from the further consideration of the resolution just mentioned;

Which was lost.

And the further consideration thereof was postponed until to-morrow.

On motion of Mr. Lansdale,

The committee of the whole were discharged from the consideration of a bill to be entitled,

An act in relation to the reporter of the high court of errors and appeals.

On motion of Mr. Adams,

Said bill was referred to a select committee of five.

Messrs. Adams, Labauve, Lipscomb, Miles and Stewart were appointed said committee.

Mr. Miles, on his motion,

Was excused from serving on said committee.

On motion of Mr. Adams,

Mr. Price was added to said committee.

On motion of Mr. Adams,

The senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, JANUARY 30, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Guion presented the petition of James P. Porter;

Which was read,

And, on his motion,

Was referred to a select committee of three.

Messrs. Guion, Miles and Matthews, were appointed said committee.

Mr. Labauve presented the petition of sundry citizens of the county of Desoto, in relation to a change in the criminal laws of the state;

Which was read.

Mr. Guion, from the judiciary committee, asked, and obtained the discharge of the committee, from the further consideration of

a resolution referred to said committee on a previous day, upon the same subject.

On motion of Mr. Matthews,

Said petition and resolution, were referred to a select committee of five.

Messrs. Labauve, Matthews, Beene, Boone and Pegues, were appointed said committee.

Mr. Hicks presented the claim of L. B. Austin, sheriff of Neshoba county;

Which, on his motion,

Was referred to the committee on claims.

The following message was received from the house of representatives, through Mr. Montgomery, their clerk, to-wit:

Mr. President—The speaker of the house of representatives has signed bills, which originated in the house of representatives, of the following titles, to-wit:

An act to regulate the descent and distribution of the estate of Edmund Rice, deceased, a foreigner;

An act to amend an act entitled an act to abolish the office of commissioner of public buildings, and for other purposes, approved February 6th, 1841;

An act to authorize and empower the probate court of Hinds county, to appoint some suitable person or persons, to be guardian or guardians, of John Morrison, of said county, and for other purposes;

Which I am instructed to present to the senate for the signature of the president.

The president signed the bills in said message mentioned.

Mr. Nicholson presented the petition of J. Kenna, administrator and agent of P. Carway;

Which was read.

On motion of Mr. Nicholson,

Said petition, and the accompanying documents, were referred to the committee on propositions and grievances.

Mr. Lipscomb presented the claim of E. Abbott, ex-sheriff of Lowndes county; which,

On his motion,

Was referred to the committee on claims.

Mr. Guion, from the judiciary committee, to whom had been referred a bill to be entitled,

An act to provide for cases where no executor or administrator will qualify under the last will and testament; and undertake to carry it into effect,

Reported said bill back with an amendment.

On motion of Mr. Guion,

The report was received, and the amendment concurred in.

On motion of Mr. Durr,

Said bill, and the amendment, was committed to the whole house, and made the order of the day for to-morrow.

Mr. Guion, from the judiciary committee, to whom had been referred a resolution to enquire into the expediency of vesting some officer in each and every county, with authority to grant and try writs of *habeas corpus*, reported, that it was inexpedient to alter the present laws on the subject. The committee doubted the constitutional power of the legislature to vest the authority in the judges of probate, and did not think it would be safe to confer it on justices of the peace. It is true, that inconvenience may be often felt by the citizens under the present laws, in procuring writs of *habeas corpus*, but the committee do not think the argument of inconvenience should prevail against the danger of abuse of the power unwisely delegated;

Which was read, and,

On motion of Mr. Guion,

The report was received and agreed to.

Mr. Miles, from the judiciary committee, to whom had been referred a bill to be entitled,

An act to amend the 29th section of the 26th chapter of Howard and Hutchison's digest, reported a bill of the following title, in lieu thereof, to-wit:

A bill to be entitled,

An act to amend the 29th section of the 26th chapter of Howard and Hutchison's digest;

Which was read the first time.

On motion of Guion,

The bill of the first named title, was laid on the table.

Mr. Lipscomb asked, and obtained leave, to the introduction of a bill to be entitled,

An act to regulate and define the relation of masters and apprentices;

Which was read the first time.

Mr. Labauve called from the table,

A bill to be entitled,

An act to provide for the construction of a levee on the Mississippi river, for the protection and improvement of the state lands;

Which was read by its title the second time.

Mr. Labauve moved to commit said bill to the whole house, and made the order of the day for Wednesday next.

Mr. Boone moved to commit said bill to the whole house, and made the order of the day for Thursday next.

The question was first had on committing the bill to the whole house;

Which prevailed.

The question was then had on the motion of Mr. Boone, for Thursday;

Which prevailed.

Mr. Adams asked, and obtained leave, to the introduction of a bill to be entitled,

An act reducing into one the different acts in relation to the state treasury;

Which was read the first time.

On motion of Mr. Miles,

Said bill was laid on the table.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

MR. PRESIDENT—The joint standing committee on enrolled bills have examined bills of the following titles:

An act to authorize and empower the probate court of Hinds county, to appoint some suitable person or persons, to be guardian or guardians, of John Morrison, of said county, and for other purposes;

An act to regulate the descent and distribution of the estate of Edmund Rice, deceased, a foreigner;

An act to amend an act entitled an act to abolish the office of commissioner of public buildings, and for other purposes, approved February 6th, 1841.

N. S. PRICE, chairman.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. President,—The house of representatives have passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act to repeal certain laws in relation to road hands in Honey Island, in Holmes county.

Mr. President—The house of representatives have passed bills of the following titles, viz:

A bill to be entitled,

An act better to provide for the organization of the county of Perry, in this state, at each general election;

A bill to be entitled,

An act to change the time of holding the probate court of the county of Newton;

A bill to be entitled,

An act to authorize and empower the clerk of the circuit court of Hinds county, to transcribe certain books therein mentioned, and for other purposes.

In which they desire the concurrence of the senate.

Mr. Beene asked, and obtained leave, to the introduction of a bill to be entitled,

An act to subject real estate to sale to satisfy judgments rendered in justice's courts;

Which was read the first time.

On motion of Mr. Labauve,

The constitutional rule was dispensed with,

And said bill read the second time forthwith, by title.

On motion of Mr. Labauve,

Said bill was referred to the judiciary committee.

Mr. Guion, from the judiciary committee, to whom the above bill was referred, reported the same back without amendment, with a recommendation that the same do not pass.

On motion of Mr. Guion,

The report was received.

On motion of Mr. Labauve,

The report was agreed to.

The senate proceeded to the consideration of the orders of the day:

A bill to be entitled,

An act to incorporate Black Hawk male and female academies, in the county of Carroll;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to change the name of Rachael Laura Randell to that of Laura Randell Taylor;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act appointing road inspectors in the counties of Chickasaw and Choctaw;

Was read the third time,

And passed.

Ordered, That the title thereof be as stated.

The senate refused to resolve itself into committee of the whole on a resolution to divide the state into four districts, &c.

On motion of Mr. Matthews,

Said resolution was committed to the whole house, and made the order of the day for Tuesday next.

The following message was received from the house of representatives, through their clerk, Mr. Montgomery, to-wit:

Mr. President—The house of representatives have referred a petition of Stephen Cocke and Richard Evans, to a joint select committee of five, on the part of the house, and —— on the part of the senate; and have appointed on the part of the house:

Messrs. Cushman, Green of Hinds, McNabb, Abbott and Nash;

In which they desire the concurrence of the senate.

Which was read; and,

On motion of Mr. Labauve,

Laid on the table.

A bill from the house of representatives, to be entitled,

An act better to provide for the organization of the county of Perry, in this state, at each general election;

Was read the first time.

A bill to be entitled,

An act to change the time of holding the probate court of the county of Newton;

Was read the first time.

A bill to be entitled,

An act to authorize and empower the clerk of the circuit court of Hinds county, to transcribe certain books therein mentioned, and for other purposes;

Was read the first time.

Mr. Boone called from the table, a bill to be entitled,

An act to provide for the call of a convention to change the constitution of the State of Mississippi;

Which was read the second time.

On motion of Mr. Boone,

Said bill was committed to the whole house, and made the order of the day for Wednesday next, 12 o'clock, m.

On motion of Mr. Labauve,

The senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, JANUARY 31, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Lansdale, on his motion,

Had leave of absence granted him from to-night, until Thursday next.

Mr. Labauve presented the petition of Garret Ford; which,

On his motion,

Was referred to the committee on propositions and grievances.

Mr. Dupree asked, and obtained leave, to the introduction of a bill to be entitled,

An act to confirm the title of Joseph Stevens, of Rankin county, to a certain tract of land therein named;

Which was read the first time.

On motion of Mr. Dupree,

The constitutional rule was dispensed with,

And said bill read by title the second time.

On further motion of Mr. Dupree,

Said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bills, have this day examined bills of the following titles, to-wit:

An act to repeal certain laws in relation to the road hands in Honey Island, in Holmes county;

An act to incorporate Black Hawk male and female academies, in the county of Carroll;

An act to change the name of Rachael Laura Randell to that of Laura Randell Taylor;

Preamble and resolutions, asking congress to erect light houses and establish a mail route on the sea-coast of Mississippi.

And have found the same correctly enrolled.

N. S. PRICE, chairman.

The following message was received from the house of representatives, through their clerk, Mr. Montgomery, to-wit:

Mr. President—The house of representatives have given leave to the introduction of bills of the following titles, viz:

A bill to be entitled,

An act to authorize the auditor of public accounts to employ an additional clerk, &c.;

A bill to be entitled,

An act to incorporate the trustees of Zion Seminary, in the county of Covington;

A bill to be entitled,

An act to revive an act to incorporate the towns of Shieldsboro', Pass Christian and Biloxi, in the county of Hancock, and for other purposes;

A bill to be entitled,

An act for paying coroner's juries;

A bill to be entitled,

An act to amend the charter of the city of Vicksburg, approved February 15th, 1839;

A bill to be entitled,

An act for the benefit of guardians, executors and administrators;

A bill to be entitled,

An act to repeal the seventh section of an act to authorize Andrew Kerr to make a turnpike road in the county of Tunica;

And have passed bills of the following titles, viz:

A bill to be entitled,

An act to amend an act approved February 23d, 1844, altering and amending the act incorporating the town of Houston, in the county of Chickasaw;

A bill to be entitled,

An act for the benefit of the several sheriffs of the counties of this state;

And have made an amendment thereto, by way of ryder.

A bill to be entitled,

An act to incorporate the Phœnix engine company No. 2, of Vicksburg;

A bill to be entitled,

An act to incorporate the Fulton fire engine company No. 3, of Vicksburg;

In which I am instructed to desire the concurrence of the senate.

The house of representatives have passed a bill from the senate entitled,

An act to declare Big Bear creek a navigable stream, and for other purposes.

And have concurred in the senate resolution fixing on Saturday, the 31st instant, at 11 o'clock, a. m., for the purpose of electing the officers of the penitentiary.

They have passed a bill to be entitled,

An act to define the powers of the county police of Covington and Pike counties, in relation to the three per cent. fund;

And have made an amendment thereto, by way of ryder.

In which I am instructed to desire the concurrence of the senate.

Mr. Price presented the petition of Hardy W. Byron; which,

On his motion,

Was referred to the committee on claims.

Mr. Acker, from the standing committee on education, reported a bill to be entitled,

An act to establish a system of common schools, and for other purposes;

Which was read the first time.

On motion of Mr. Acker,

The constitutional rule was dispensed with,

And said bill was read by title the second time.

On motion Mr. Acker,

Said bill was laid on the table,

And two hundred copies thereof ordered to be printed.

Mr. Boone, from a select committee, to whom had been referred a bill to be entitled,

An act for the relief of Tillman Mitchell, late sheriff of Kemper county,

Reported said bill back, with an amendment, and said amendment, as reported, was concurred in;

And said bill, as amended, passed.

Ordered, That the title thereof be as stated.

Mr. Boone offered the following resolution, to-wit:

Resolved, That the secretary be instructed to file with the auditor of public accounts, the list of warrants, with the depositions filed, in the case of the sheriff of Kemper county, to be kept by him, to the end he may be enabled to detect any of the warrants said to have been burnt, if the same should be presented for payment;

Which was read and adopted.

Mr. Acker asked, and obtained leave, to the introduction of a bill to be entitled,

An act to incorporate the president and trustees of the Aberdeen female academy;

Which was read the first time.

On motion of Mr. Acker,

The constitutional rule was dispensed with,

And said bill read the second time by title.

And on the further motion of Mr. Acker,

Said bill was considered as engrossed,

And the rule further dispensed with,

And said bill read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

Mr. Guion, from a select committee, reported a bill of the following title, to-wit:

A bill to be entitled,

An act to authorize the change of venue in the case of the State of Mississippi, against James P. Porter;

Which was read the first time.

On motion of Mr. Guion,

The constitutional rule was dispensed with,

And said bill read the second time by title,

And ordered to be engrossed for a third reading on Monday next.

Mr. Lansdale was called to the chair;

When the president offerred in the senate, resolutions of the following title, to-wit:

Resolutions in relation to the payment of the bonds of the state, issued and sold for stock in the Planters' Bank;

Which were read the first time.

Mr. Miles asked, and obtained leave, to the introduction of a bill of the following title, to-wit:

A bill to be entitled,

An act to authorize the removal of the slaves of the estate of Thomas Hardeman, to the state of Tennessee;

Which was read the first time.

Mr. Miles asked, and obtained leave, to the introduction of a bill of the following title, to-wit:

A bill to be entitled,

An act to incorporate the trustees of the First Presbyterian church of Yazoo city;

Which was read the first time.

Mr. Miles asked, and obtained leave, to the introduction of a bill to be entitled,

An act to regulate the times of holding the sessions of the superior court of chancery in this state;

Which was read the first time.

On motion of Mr. Miles,

The constitutional rule was dispensed with,

And said bill read the second time by title,

And ordered to be engrossed for a third reading on Monday next.

Mr. Adams asked, and obtained leave, to the introduction of a memorial to the Congress of the United States, in relation to the establishment of a mail route east of Pearl river;

Which was read the first time.

On motion of Mr. Adams,

The constitutional rule was dispensed with,

And said memorial read the second time by title,

And ordered to be engrossed for a third reading on Monday next.

The president resumed the chair.

On motion of Mr. Fox,

The senate took a recess of ten minutes.

The recess having expired,

The senate met.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

MR. PRESIDENT—I am instructed by the house to inform the senate, that the house of representatives are now ready for the reception of the senate, to the end that the two houses proceed to the election of officers for the state penitentiary, for the next two years, in pursuance of the joint resolution of the two houses;

Which was read;

And forthwith the senate repaired to the hall of the house of representatives, and took the seats assigned them.

The president of the senate announced the object of the joint meeting.

On motion of Mr. Boone, of the senate,

The elections were conducted *viva voce*.

When Mr. Fox, of the senate, nominated Mr. Sutton for keeper of the penitentiary.

Mr. Connell, of the house, nominated Mr. Weir.

On motion of Mr. Horne, of the senate,

The recording of the names of the senators and representatives on the journal, was dispensed with;

And forthwith the secretary of the senate and clerk of the house of representatives, proceeded to call their respective rolls, when the vote stood as follows, to-wit:

Mr. Sutton received - -	18 votes.
Mr. Weir received - - -	96 votes.

Whereupon the president announced, that inasmuch as Mr. Weir had received a majority of the votes given, he was duly and

constitutionally elected superintendent of the penitentiary for the term prescribed by law;

And forthwith the joint meeting proceeded to the election of assistant keeper of the penitentiary; whereupon,

Mr. Lemley, of the house of representatives, nominated Mr. Price for assistant keeper of the penitentiary.

Mr. Greaves, of the house, nominated Mr. McGehee.

Mr. Briscoe, of the senate, nominated Mr. Hopkins.

" " " " " Smith.

Whereupon the secretary of the senate, and the clerk of the house of representatives, proceeded to call their respective rolls, when the vote stood as follows, to-wit:

Mr. Price received	- -	82 votes.
" Hopkins "	- - -	16 "
" Smith "	- - -	2 "
" McGehee "	- - -	15 "

Whereupon the president announced, that inasmuch as Mr. Price had received a majority of the votes given, he was duly and constitutionally elected assistant keeper of the penitentiary, for the term prescribed by law.

And forthwith the joint meeting proceeded to the election of a clerk of the penitentiary.

Mr. Boone, of the senate, nominated Mr. Barrows.

Mr. Bynum, of the house, nominated Mr. Stamps.

Mr. Wade, of the house, nominated Mr. McNabb.

And forthwith the secretary of the senate, and clerk of the house of representatives, proceeded to call their respective rolls, when the vote stood as follows, to-wit:

Mr. Barrows received	- -	63 votes.
" Stamps "	- - -	29 "
" McNabb "	- -	23 "

Whereupon the president announced, that inasmuch as Mr. Barrows had received a majority of the votes given, he was duly and constitutionally elected clerk for the penitentiary, for and during the term prescribed by law.

The object of the joint meeting having been accomplished, the senate withdrew to their chamber.

On motion of Mr. Labauve,

The senate adjourned until Monday, morning, 10 o'clock.

MONDAY, February 2, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Durr presented the petition of sundry citizens of the county of Lauderdale in relation to the establishment of a rail road from Brandon to the Alabama line;

Which was read.

On motion of Mr. Durr,

Said petition was laid on the table.

Mr. Price presented the petition of sundry citizens of the county of Tippah; which,

On his motion,

Was referred to a select committee of three.

Messrs. Price, Beene and Matthews were appointed said committee.

Mr. Durr, from the standing committee on propositions and grievances, reported a bill to be entitled,

An act for the relief of Louisa Williams and her children;

Which was read the first time.

On motion of Mr. Durr,

The constitutional rule was dispensed with,

And said bill read the second time by title,

And ordered to be engrossed for a third reading on to-morrow.

Mr. Lipscomb asked and obtained leave to the introduction of a bill to be entitled,

An act to preserve the records of the probate court of Lowndes county, Mississippi;

Which was read the first time.

On motion of Mr. Lipscomb,

The constitutional rule was dispensed with,

And said bill read the second time,

And ordered to be engrossed for a third reading on to-morrow.

Mr. Williams asked and obtained leave to the introduction of a bill to be entitled,

An act to incorporate Houston Lodge, of free and accepted masons, in the town of Houston, in Chickasaw county;

Which was read the first time.

On motion of Mr. Williams,

The constitutional rule was dispensed with,

And said bill was read the second time by title; and,

On the further motion of Mr. Williams,

The rule was further dispensed with,

And said bill considered as engrossed,

And read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

The senate took up the message received from the house of representatives on Saturday last.

A bill to be entitled,

An act to incorporate the Phœnix Engine Company, No. 2, of Vicksburg;

Was read the first time.

A bill to be entitled,

An act to incorporate the Fulton Engine Company, No. 3, of Vicksburg;

Was read the first time.

A bill to be entitled,

An act to amend an act, approved on the 23d day of February, 1824, altering and amending the act incorporating the town of Houston, in the county of Chickasaw;

Was read the first time.

A bill to be entitled,

An act for the benefit of the sheriffs of the several counties in this state;

Was read the first time.

Mr. Williams moved to suspend the constitutional rule, and read said bill the second time;

Which was lost.

A bill to be entitled,

An act to define the powers of the county police of Covington and Pike counties, in relation to the three per cent. fund;

Was read the first time.

The following message was received from his excellency, the governor, through his private secretary, to-wit:

To the Senate, and House of Representatives:

The enclosed preamble and resolutions of the Georgia legislature, touching a matter of controversy on the subject of slavery between South Carolina and Louisiana on the one side and Mas-

sachusetts on the other, were received by me this instant. They are sent to the legislature for such action as may be deemed necessary and proper.

A. G. BROWN.

EXECUTIVE CHAMBER,
31st January, 1846.

Which was read.

On motion of Mr. Adams,

Said message was referred to a select committee of five.

On motion of Mr. Horne,

Said reference was re-considered.

Mr. Adams offered the following joint resolution, to-wit:

Resolved, (the house of representatives concurring,) That a joint select committee be appointed on state and federal relations, consisting of five on the part of the senate, and —— on the part of the house of representatives;

Which was read the first time,

And by rule lies over one day.

The senate proceeded to the consideration of the orders of the day.

A bill to be entitled,

An act to change the time of holding the probate court of the county of Newton;

Was read the second time.

A bill to be entitled,

An act better to provide for the organization of the county of Perry, in this state, at each general election;

Was read the second time.

On motion of Mr. Ramsay,

The constitutional rule was dispensed with,

And said bill read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to authorize and empower the clerk of the circuit court of Hinds county to transcribe certain books therein mentioned, and for other purposes;

Was read the second time.

A bill to be entitled,

An act to amend the 29th section of the 26th chapter of Howard and Hutchinson's Digest;

Was read the second time.

On motion of Mr. Miles,

Said bill was laid on the table.

A bill to be entitled,

An act to regulate and define the relation of masters and apprentices;

Was read the second time.

Mr. Lipscomb offered the following amendment, to-wit:

Amend first section, by inserting nineteen in the place of twenty;

Same section, insert sixteen in place of seventeen;

Which was adopted;

And said bill, as amended, ordered to be engrossed for a third reading on to-morrow.

The senate resolved itself into a committee of the whole, on a bill to be entitled,

An act to provide for cases where no executor or administrator will qualify under a will, &c.;

And after some time spent therein,

The committee rose; and,

Mr. Beene reported said bill back with sundry amendments.

On motion of Mr. Beene,

The report was received, and the amendments concurred in;

And said bill, as amended, ordered to be engrossed for a third reading on to-morrow.

The following message was received from his excellency, the governor, through his private secretary, to-wit:

To the Senate:

I herewith transmit the petition of Andrew A. Kincannon and others, and certified copies of the records in three cases of the state against John Joiner, Burwell Joiner and Isaac Joiner, and ask the senate to advise and consent that the forfeitures taken against Burwell and Isaac Joiner, as therein mentioned, be remitted.

A. G. BROWN.

EXECUTIVE CHAMBER,
30th January, 1846.

Which was read.

On motion of Mr. Lipscomb,

Ordered, That the senate go into executive session on to-morrow, 11 o'clock, a. m., on said message and the accompanying documents.

Mr. Matthews gave notice that he would, on to-morrow, move to suspend the rule requiring a motion to re-consider to be made on the day or day subsequent to the time of taking the vote on a question, in order to re-consider the vote by which the senate concurred in the report of the committee on the judiciary, on the bill to authorize the sale of real estate by virtue of an execution issued by a justice of the peace.

Mr. Matthews presented the memorial of William S. Langley;

Which, on his motion,

Was referred to a select committee of five.

Messrs. Matthews, Guion, Boone, Fox and Lipscomb were appointed said committee.

Mr. Lumpkin, from a select committee, to whom had been referred a bill to be entitled,

An act to provide for allowance and payment of the claims of physicians for medical services rendered in certain cases, reported said bill back without amendment.

On motion of Mr. Lumpkin,

The report was received,

And said bill was ordered to be engrossed for a third reading on to-morrow.

The amendmends made by the senate in committee of the whole, to a bill to be entitled,

An act to incorporate the southern railroad company;

Were concurred in.

On motion of Mr. Guion,

Said bill, as amended, was ordered to be engrossed for a third reading on Wednesday next.

A bill to be entitled,

An act to confirm the title of Joseph Stevens of Rankin county, to a tract of land therein mentioned;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to authorize the change of venue in the cases of the state of Misissippi against James P. Porter;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An to incorporate the trustees of the first presbyterian church of Yazoo city;

Was read the second time.

On motion of Mr. Miles,

Said bill was ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act to authorize the removal of the slaves of the estate of Thomas Henderson to the state of Tennessee;

Was read the second time.

On motion of Mr. Miles,

Said bill was ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act to regulate the times of holding the sessions of the superior court of chancery in this state;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A memorial to the congress of the United States in relation to the establishment of mail facilities east of Pearl river;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. President—The house of representatives have passed a bill of the following title, viz:

A bill to be entitled,

An act for the relief of William Brown;

In which I am instructed to desire the concurrence of the senate.

Mr. President—The house of representatives have passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act to establish an inferior court of chancery in the southern part of this state;

And have made sundry amendments thereto.

They have also passed bills of the following titles, to wit:

A bill to be entitled,

An act to revive an act entitled an act to incorporate the towns of Shieldsborough, Passchristian and Biloxi, in the county of Hancock, and for other purposes, as far as relates to the town of Shieldsborough, in the county of Hancock;

A bill to be entitled,

An act to repeal the 7th section of an act entitled an act to authorize Andrew Kerr to make a turnpike road in the county of Tunica;

A bill to be entitled,

An act to authorize the mayor and aldermen of the city of Jackson to erect a bridge across Pearl river, and for other purposes;

In which I am instructed to desire the concurrence of the senate.

Resolutions in relation to the payment of the bonds of the state, issued and sold for stock in the Planters bank;

Were read the second time.

On motion of Mr. Boone,

Said resolutions were postponed until Monday next.

The senate took up the message last received from the house of representatives.

A bill to be entitled,

An act for the relief of William Brown;

Which was read the first time.

On motion of Mr. Turner,

The several amendments made by the house of representatives to a bill from the senate to be entitled,

An act to establish an inferior court of chancery in the southern part of this state;

Were concurred in.

A bill to be entitled,

An act to revive an act entitled an act to incorporate the towns of Shieldsborough, Passchristian and Biloxi, in the county of Hancock, and for other purposes, as far as relates to the town of Shieldsborough, in the county of Hancock;

Was read the first time.

On motion of Mr. Ramsay,

The constitutional rule was dispensed with,

And said bill read the second time by title.

On the further motion of Mr. Ramsay,

The rule was further dispensed with,

And said bill read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to repeal the seventh section of an act entitled an act to authorize Andrew Kerr to make a turnpike road in the county of Tunica;

Was read the first time.

A bill to be entitled,

An act to authorize the mayor and aldermen of the city of Jackson to erect a bridge across Pearl river, and for other purposes;

Was read the first time.

On motion of Mr. Adams,

Said bill was laid on the table.

Mr. Guion called from the table a resolution in relation to Oakland college;

Which was read the second time.

Mr. Guion moved the engrossment thereof;

Which was lost.

Mr. Acker called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Booth, Dupree, Guion, Metcalf, Miles, Stewart, Turner and williams—8 votes.

Noes—Mr. President, Adams, Acker, Briscoe, Beene, Boone, Dabney, Durr, Fox, Horne, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Nicholson, Pegues, Price, Ramsay, Tillman and Willburn—22 votes.

Mr. Guion called from the table a bill to be entitled,

An act to amend an act for the protection and preservation of the rights of married women, approved Feb. 15th, 1839;

Which was read the third time, and passed.

Ordered, That the title thereof be as stated.

Mr. Adams called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Acker, Briscoe, Booth, Dabney, Dupree, Guion,

Hicks, Lumpkin, Labauve, Metcalf, Matthews, Miles, Nicholson, Pegues, Stewart, Turner and Williams—17 votes.

Noes—Mr. President, Adams, Beene, Boone, Durr, Fox, Horne, Johnson, Price, Ramsay, Tillman and Willburn—13 votes.

Mr. Lumpkin called from the table a bill to be entitled,

An act for the relief of Jesse Sullivant, a citizen of Tallahatchie county;

Which was read the second time; and,

On motion of Mr. Turner,

Was referred to the judiciary committee.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. President—The house of representatives have passed a bill of the following title, viz:

A bill to be entitled,

An act to incorporate the town of Chulahoma, in the county of Marshall.

They have adopted the following joint resolution, to-wit:

Resolved, (the senate concurring,) That a joint select committee be raised, by the house consisting of five on the part of the house, and ——— on the part of the senate, to consider and report upon the petition of Stephen Cocke and Richard Evans; and have appointed, on the part of the house, Messrs. Cushman, Green of Hinds, McNabb, Abbott and Nash;

In which I am instructed to desire the concurrence of the senate.

The senate took up said message;

And concurred in the joint resolution from the house, appointing a committee on the petition of Stephen Cocke and Richard Evans, and filled the blank in said resolution with the number five.

Messrs. Guion, Lipscomb, Adams, Fox and Metcalf were appointed said committee.

A bill to be entitled,

An act to incorporate the town of Chulahoma, in the county of Marshall;

Was read the first time.

On motion of Mr. Matthews,

The constitutional rule was dispensed with;

And said bill read the second time.

On the further motion of Mr. Matthews,

The rule was further dispensed with,

And said bill read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bills have this day presented to his excellency, the governor, bills of the following titles for his approval:

An act to declare Lususcoona a navigable stream, and for other purposes;

An act for the relief of John H. Rollins;

An act to authorize the president and selectmen of the town of Macon to make titles to the south half of fractional 7, in said town;

An act to authorize the boards of police of the several counties in this state to establish, change and alter the districts for the election of justices of the peace and constables;

An act to incorporate Yazoo Lodge, No. 42;

An act to restore a board of trustees of the sixteenth section, in township number 5, range number 3 east;

A resolution inserting an amendment in the constitution of the state;

An act to authorize John Nolen to transcribe the minutes of the circuit court of Choctaw county, and for other purposes;

An act to regulate the descent and distribution of the estate of Edmund Rice, deceased, a foreigner;

An act to authorize and empower the probate court of Hinds county to appoint some suitable person or persons to be guardian or guardians of John Morrison of said county, and for other purposes;

An act to amend an act entitled an act to abolish the office of commissioner of public buildings, and for other purposes, approved February 6th, 1841;

An act for the relief of the heirs of Charles Perkins;

An act for the relief of James H. Thompson, guardian of Emeline S. and William D. King, minor heirs of George R. King, deceased;

An act to remove the civil disabilities of Baldy W. Taylor;

An act to authorize the same person to hold both the offices of circuit and probate clerks in Sunflower county;

An act to change the time of holding the probate court in the county of Hancock;

An act prescribing the time of holding the probate court for Issaquena county, and for other purposes therein mentioned;

An act to change the name of Elizabeth Vines to that of Elizabeth George Wilson;

Also, an act to legalize the sale asd purchase of the sixteenth section, of township seven, range nine east, lying in Scott county, Mississippi, which section was sold on the 25th November, 1839, and purchased by John C. Thomas, Jesse Thomas, Joshua Flord and T. M. Pethick, not jointly, but severally.

Mr. Hicks presented the claim of L. D. Williams; which,

On his motion,

Was referred to the committee on claims.

Mr. Turner asked and obtained leave to the introduction of a bill to be entitled,

An act to change the name of Francis C. Jennisson;

Which was read the first time.

On motion of Mr. Turner,

The constitutional rule was dispensed with,

And said bill read the second time.

On motion of Mr. Guion,

Said bill was ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Lumpkin,

The senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, February 3, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Booth presented the petition of sundry citizens of the county of Carroll, in behalf of Absalom Kellum;

Which was read.

Mr. Johnson presented the petition of sundry citizens of the county of Choctaw, in behalf of the same individual; which,

On motion,

Were each referred to the same select committee of three.

Messrs. Booth, Matthews and Johnson, were appointed said committee of three.

Mr. Adams presented the memorial of C. D. Learned, and others, against the removal of the crossing place of Pearl river;

Which was read; and,

On motion of Mr. Adams,

Laid on the table.

Mr. Durr, from the committee on propositions and grievances, to whom had been referred the petition of J. Kenna, administrator and agent of P. Carraway, reported unfavorably to said petition, and asked to be discharged from the further consideration thereof.

On motion of Mr. Durr,

The report was received,

And the committee discharged.

Mr. Miles offered the following resolution, viz:

Resolved, That the judiciary committee be instructed to report a bill defining the duties of trustees that have been, or that may hereafter, be appointed by any court of law in this state, to take charge of the assetts of any bank, which franchises have been reclaimed by the state under judicial sentence; and that said committee be also instructed to prescribe the mode, time and manner, that said trustees shall pay out, or disburse, the amounts they may collect from the assetts of any bank placed under their charge;

Which was adopted.

Mr. Adams, from a select committee, made the following report, to-wit:

Mr. President—The select committee to whom was referred a bill to be entitled,

An act in relation to the reporter of the high court of errors and appeals,

Have had the same under consideration, and instructed me to report the same back to the senate, with an amendment thereto;

Which was read.

On motion of Mr. Adams,

The report was received.

Mr. Adams moved to agree to said report,

Which was lost.

Mr. Lipscomb, from the same select committee, made the following report, to-wit:

The report of the minority of the committee to whom was referred the bill from the house of representatives, relative to the reporter of the high court of errors and appeals, and the amendments of the senate proposed thereto:

The undersigned cannot agree with that portion of the report of the majority which substitutes the attorney general reporter, in the place of those at present filling that station, for the following reasons:

1st. The high court of errors and appeals have had the right and privilege of appointing the reporter of their decisions since the year 1817, when the court was first organized under the title of the supreme court, and have exercised that right to the present time, a period of nearly thirty years, to the entire satisfaction of the country; and it seems to your committee inexpedient, as a matter of policy, to change the order of things thus settled and sanctioned, not only by their own experience, but by the usages of every court in the United States, except Alabama, so far as known to your committee.

2d. The undersigned regard it as an implied, if not direct reflection, upon the present supreme tribunal, for the legislature to select for them a reporter, a reflection the undersigned do not feel justified in making.

3d. The undersigned deem it due to the high court of errors and appeals, to permit them, as heretofore, to select their own reporter, for the following reasons; the reputation of that court as a body, as well as of its individual members, depends, in a great degree, upon the mode in which their official judgments are published to the world; their characters, as well as that of the state, for its judicial wisdom, is garnered for posterity in the reports of their decisions, and the undersigned are unwilling to deprive that court so deeply interested, in a matter touching such important interests, of a right exercised so long and involving so much.

Mr. Stewart moved the reception of said report;

Which motion prevailed.

On motion of Mr. Stewart,

The report of the minority was agreed to.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Booth, Beene, Dupree, Guion, Horne, Lipscomb, Lumpkin, Metcalf, Miles, Nicholson, Pegues, Ramsay, Stewart, Turner and Williams—16 votes.

Noes—Messrs. Adams, Acker, Briscoe, Boone, Dabney, Durr, Fox, Hicks, Johnson, Labauve, Matthews, Price, Tillman and Willburn—14 votes.

The question was then had on the engrossment of the amendment made by the senate on a previous day to said bill,

Which was lost.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Adams, Acker, Briscoe, Boone, Dabney, Durr, Fox, Labauve, Matthews, Price, Tillman and Willburn—12 votes.

Noes—Mr. President, Booth, Beene, Dupree, Guion, Horne, Hicks, Johnson, Lipscomb, Lumpkin, Metcalf, Miles, Nicholson, Pegues, Ramsay, Stewart, Turner and Williams—18 votes.

Mr. Adams offered the following amendment, to-wit:

Amend by adding additional section:

Sec. ——. *Be it further enacted*, That the printing of the reports of the high court of errors and appeals be done and executed in this state, and that the auditor of public accounts shall not issue his warrant in favor of said reporter, until he is fully satisfied that the printing was done within the limits of this state.

Mr. Matthews offered the following amendment to the amendment, which was adopted by Mr. Adams, to-wit:

Add, after printing and binding, at the close: *provided*, the same can be done at the prices herein established.

Mr. Miles offered the following amendment to the amendment of Mr. Adams, to-wit:

Amend, by adding after the words, 'this state:'

Provided, that the said reporters be, and they are hereby authorized, to draw on the state treasurer for an amount equal to the difference of the price between printing and binding the books in this state, and in Cincinnati and Boston;

Which was lost.

Mr. Adams called for the ayes and n s thereon, which are as follows, to-wit:

Ayes—Mr. President, Booth, Dupree, Guion, Horne, Lipscomb, Metcalf, Miles, Nicholson, Pegues, Ramsay, Stewart, Turner, Williams and Willburn—15 votes.

Noes—Messrs. Adams, Acker, Briscoe, Beene, Boone, Dabney, Durr, Fox, Hicks, Johnson, Lumpkin, Labauve, Matthews, Price and Tillman—15 votes.

Mr. Boone moved an adjonrnment till 3 o'clock, p. m.;

Which was lost.

Mr. Matthews offered the following amendment to the amendment, to-wit:

"Or the said reporter makes oath that he has made reasonable exertions and could not have the work done in this state, at the prices established in this act;"

And the question had on the adoption of the amendment as amended;

Which prevailed.

The question was then had on the adoption of the amendment as amended;

Which prevailed.

Mr. Guion offered the following amendment, to-wit:

Sec. ——. *Be it further enacted*, That all the materials of the reports shall be manufactured in the State of Mississippi;

Which was lost.

Mr. Adams called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Dupree, Guion, Metcalf, Miles, Nicholson, Pegues, Stewart and Williams—8 votes.

Noes—Mr. President, Adams, Acker, Briscoe, Booth, Beene, Boone, Dabney, Durr, Fox, Horne, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Price, Ramsay, Tillman, Turner and Willburn—21 votes.

Mr. Adams offered the following amendment, to-wit:

Amend:

Sec. ——. *Be it further enacted*, That the judges of the high court of errors and appeals, be and they are hereby required to report the decisions of said court, and that they be allowed, as compensation for such services, the sum of ——— each, in addition to their salaries.

On motion of Mr. Labauve,

Said bill, and the several amendments, were recommitted to a select coommittee of five.

Messrs. Labauve, Adams, Dabney, Miles and Turner, were appointed said committee.

Mr. Matthews, pursuant to notice, moved to dispense with the 25th rule, in order to a re-consideration of the vote entered on Friday last, which agreed to the report of the judiciary committee on a bill to be entitled,

An act to subject real estate to sale to satisfy judgments rendered in justices courts;

Which was lost.

On motion of Mr. Lipscomb,

The senate went into executive session on the message of his excellency, the governor, and the accompanying documents, received on yesterday.

On motion of Mr. Matthews,

Said session was held with open doors.

Mr. Lipscomb offered the following resolution, to-wit:

Resolved, That the senate, in accordance with the 5th article and 10th section of the constitution of the State of Mississippi, advise and consent, that the forfeitures against Burwell Joiner, and his son, Isaac Joiner, be remitted, they paying all costs of suit;

Which was read and adopted.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bills have examined bills of the following titles:

An act to change the name of Sarah Jane Kendall to that of Sarah Jane Oakley;

An act to declare Big Bear creek a navigable stream, and for other purposes;

An act to revive an act entitled an act to incorporate the towns of Shieldsboro', Pass Christian and Biloxi, in the county of Hancock, and for other purposes, as far as relates to the town of Shieldsboro', in the county of Hancock;

An act better to provide for the organization of the county of Perry, in this state, at each general election.

The following message was received from the house of representatives, through Mr. Montgomery, their clerk, to-wit:

Mr. President—The house of representatives have concurred in the amendments made by the senate to the house bill entitled,

An act for the relief of Tilman Mitchell, late sheriff of Kemper county.

They have also passed bills from the senate of the following titles, to-wit:

A bill to be entitled,

An act to authorize the change of venue in the case of the State of Mississippi vs. James P. Porter;

A bill to be entitled,

An act to incorporate the officers and members of Houston lodge of free and accepted masons, in the town of Houston, in Chickasaw county;

A bill to be entitled,

An act for the relief of William E. T. Griffith, a minor, of the county of Adams;

A bill to incorporate the president and trustees of the Aberdeen female academy.

Also, the following joint resolution, viz:

Resolved, (the senate concurring,) That the governor's special message, with accompanying documents, be referred to a joint committee, consisting of seven, on the part of the house, and —— on the part of the senate, to be styled a joint standing committee on state and federal relations;

And have appointed on the part of the house,

Messrs. Sharkey, Farrar, McCaughan, Simrall, Warren, Lemley and Binford;

In all of which, I am instructed to desire the concurrence of the senate.

Mr. President—The house of representatives have given leave to the introduction of bills of the following titles, viz:

A bill to be entitled,

An act to protect the rights of persons under twenty-one years of age, femes covert, and persons of unsound minds, until eighteen months after their several disabilities shall cease;

A bill to be entitled,

An act to better secure the public buildings of the county of Tippah;

A bill to be entitled,

An act to reduce the per diem and mileage of the members of the legislature, and other officers therein named;

A bill to be entitled,

An act to authorize the police court of Coahoma county to appoint patrols in said county;

A bill to be entitled,

An act in relation to bonds of public officers in this state;

A bill to be entitled,

An act to incorporate the Canton female academy, of Madison county, approved February 5, 1836;

A bill to be entitled,

An act for the relief of married women who may sue for divorce.

Mr. President—The house of representatives have passed a bill of the following title, viz:

A bill to be entitled,

An act to incorporate the trustees of Zion seminary, in the county of Covington;

In which I am instructed to desire the concurrence of the senate.

The following message was received from his excellency, the governor, through his private secretary, to-wit:

Mr. President—I am instructed by his excellency, the governor, to inform the senate that he has approved and signed, this day, bills which originated in the senate, of the following titles:

An act to incorporate Yazoo lodge No. 42;

An act to restore a board of trustees of the 16th section, township 5, range 3, east;

An act for the relief of John H. Rollins;

An act to declare Lususcoona a navigable stream, and for other purposes;

An act to authorize the president and selectmen of the town of Macon, to make titles to the south half of fractional block seven, in said town;

An act to authorize the boards of police for the several counties in this state, to establish, change and alter, the districts for the election of justices of the peace and constables;

A resolution inserting an amendment in the constitution of this state.

On motion of Mr. Adams,

The senate adjourned until to-morrow morning, 10 o'clock

WEDNESDAY, FEBRUARY 4, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Johnson presented the petition of sundry citizens of Chickasaw county;

Which was read; and,

On his motion,

Was referred to a select committee of three.

Messrs. Johnson, Labauve and Acker were appointed said committee.

Mr. Fox, from a joint standing committee on public buildings, made the following report, viz:

MR. PRESIDENT—The joint standing committee on public buildings, to whom was referred the special message of the governor in relation to the fence around the capitol, and the damage done the roof of the state house by the storm last summer, have given the subject consideration, and have made their report to the house of representatives through the chairman of the committee on the part of the house, accompanied with certain recommendations, and also a bill to carry out the recommendation of the governor.

The committee on the part of the senate ask leave to be discharged from presenting any other report.

On motion of Mr. Fox,

The report was received and the committee discharged.

Mr. Miles asked and obtained leave to the introduction of a bill to be entitled,

An act to regulate the practice of the circuit courts of this state in certain cases;

Which was read the first time.

Mr. Miles moved to suspend the rule and read said bill, by its title, the second time;

Which was lost.

Mr. Willburn offered the following resolution, to-wit:

Resolved, That a select committee be appointed with instructions to enquire into the propriety of indemnifying the owners of slaves convicted of capital offences, and to authorize the boards of police, where such offences are committed, to levy a special tax on the slaves of said county for that purpose;

Which was read the first time, and adopted.

On motion of Mr. Willburn,

Said resolution was referred to a select committee appointed on a previous day on the petitions of the citizens of Carroll and Choctaw counties.

Mr. Miles asked and obtained leave to the introduction of a bill to be entitled,

An act to incorporate and establish the town of Yazoo city, and for revising and repealing all laws and parts of laws heretofore enacted on that subject;

Which was read the first time.

Mr. Briscoe called from the table a bill to be entitled,

An act to authorize the Grand Gulf rail road and banking company to dispose of their railway.

Mr. Briscoe, on his motion,

Substituted the bill of the following title, in lieu thereof, to-wit:

A bill to be entitled,

An act to authorize the Grand Gulf rail road and banking company to sell their railway;

Which was read.

Mr. Miles offered the following amendment, to-wit:

Amend by adding, after the word 'company,' in the 5th section, 'so far as its banking franchises are concerned.'

On motion of Mr. Briscoe,

Said bill, as amended, was ordered to be engrossed for a third reading on to-morrow.

Mr. Boone presented the claim of S. L. Steen, late sheriff of Rankin county; which,

On his motion,

Was referred to the committee on claims.

Mr. Adams, from a select committee, to whom had been referred resolutions to amend the constitution of the state of Mississippi, reported said resolutions back with an amendment.

On motion of Mr. Adams,

The report was received, and the amendments concurred in;

And said resolutions, as amended, ordered to be engrossed for a third reading on to-morrow.

Mr. Guion called for the ayes and noes on the engrossment thereof, which are as follows, to-wit:

Ayes—Mr. President, Briscoe, Beene, Dabney, Durr, Fox, Horne, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Pegues, Ramsay, Tillman, Turner, Williams and Willburn—19 votes.

Nees—Messrs. Acker, Booth, Dupree, Guion, Metcalf, Miles, Nicholson, Price and Stewart—9 votes.

Mr. Price presented the claim of Jacob Barden; which,

On his motion,

Was referred to the committee on claims.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. President—The speaker of the house of representatives has signed acts of the following titles, which originated in the house:

An act to incorporate Black Hawk male and female academies, in the county of Carroll;

An act better to provide for the organization of Perry county, in this state, at each general election;

An act to change the name of Rachel Laura Randall to that of Laura Randall Taylor;

Also, a Preamble and resolutions asking congress to erect light-houses and establish a mail route on the sea coast of Mississippi;

An act to revive an act entitled an act to incorporate the towns of Shieldsborough, Pass Christian and Biloxi, in the county of Hancock, and for other purposes, as far as relates to the town of Shieldsborough, in the county of Hancock;

Which I am instructed to present to the senate for the signature of the president.

The house have re-considered their vote in concurring in the the amendment made by the senate to the house bill entitled,

An act for the relief of Tillman Mitchell, late sheriff of Kemper county;

And have concurred in the same with sundry amendments thereto.

They have passed bills of the following titles, viz:

A bill to be entitled,

An act to authorize foreign guardians to remove the property of their wards out of this state;

A bill to be entitled,

An act to prohibit the police court of Sunflower county from levying a special tax, except in certain cases herein provided;

A bill to be entitled,

An act locating the seat of justice for the county of Hancock, and for other purposes;

A bill to be entitled,

An act for the relief of Elisha Fox;

A bill to be entitled,

An act in relation to the free negroes in the town of Grand Gulf;

A bill to be entitled,

An act to repeal the second section of an act entitled an act to regulate the interest on the school funds, and for other purposes;

A bill to be entitled,

An act to legalize George W. Hicks;

A bill to be entitled,

An act to incorporate the Pontotoc male academy;

In which I am instructed to desire the concurrence of the senate.

The house of representatives have passed a bill of the following title, to-wit:

A bill to be entitled,

An act prescribing the mode of collecting costs in certain cases, and for other purposes.

The house have concurred in the amendment, by way of ryder made by the senate to the house bill entitled,

An act to establish the county seat of Washington county.

They have also passed bills from the senate of the following titles, ziz:

A bill to be entitled,

An act amendatory of the laws for the relief of the poor;

A bill to be entitled,

An act to amend the revenue laws of this state;

And have made sundry amendments thereto;

In which I am instructed to desire the concurrence of the senate.

They have also passed a bill from the senate, of the following title, to-wit:

A bill to be entitled,

An act to amend an act entitled an act to re-organize the judicial districts of the state of Mississippi, approved Feb. 3d, 1844.

They have given leave to the introduction of a bill of the following title:

A bill to be entitled,

An act to divide the state into four congressional districts.

The president signed the bills in said message mentioned.

Mr. Lipscomb offered the following resolution, to-wit:

Resolved, by the Legislature of the State of Misissippi, That congress is fully authorized, so far as the state of Mississippi is concerned, to appropriate that portion of the proceeds of the sale of public lands, set apart as her distributive share, towards the building of a fort on the coast of this state at the most suitable point, to be called Fort Constitution;

Which was read.

Mr. Labauve moved to dispense with the rule, and read said resolution the second time forthwith;

Which was lost;

And by rule lies over one day.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bills have examined bills of the following titles:

An act to authorize the change of venue in the case of the state of Mississippi vs. James P. Porter;

An act to incorporate the officers and members of Houston Lodge, of free and accepted masons, in the town of Houston, in Chickasaw county;

An act for the relief of William E. T. Griffeth;

And found the same correctly enrolled.

N. S. PRICE, chairman.

Mr. Acker asked and obtained leave to the introduction of a bill to be entitled,

An act to divide the state of Mississippi into four congressional districts;

Which was read the first time.

On motion of Mr. Labauve,

The constitutional rule was dispensed with,

And said bill read the second time by title.

On further motion of Mr. Labauve,

Said bill was committed to the whole house,

And made the order of the day for Monday next;

And two hundred copies thereof ordered to be printed.

The resolution from the house of representatives in relation to the raising a joint committe on state and federal relations, was concurred in.

On motion of Mr. Miles,

The blank in said resolution was filled with the number three.

Messrs. Adams, Matthews and Stewart were appointed said committee.

On motion of Mr. Adams,

The resolution on the orders of the day upon the same subject was laid on the table.

A bill to be entitled,

An act to change the time of holding the probate court of the county of Newton;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to authorize and empower the clerk of the eircuit court of Hinds county to transcribe certain books therein mentioned, and for other purposes;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to amend an act, approved on the 23d day of February, 1844, altering and amending the act incorporating the town of Houston, in the county of Chickasaw;

Was read the second time.

On motion of Mr. Williams,

The constitutional rule was dispensed with,

And said bill was read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to incorporate the trustees of Zion seminary, in the county of Covington;

Was read the first time.

A bill to be entitled,

An act to define the powers of the county police of Covington and Pike counties, in relation to the three per cent. fund;

Was read the first time.

Mr. Nicholson offered the following amendment, to-wit:

Amend by inserting, after the word 'office,' at the close of the first section, 'and it shall be the further duty of said treasurer at least five days before he makes his report, as is herein after provided, to demand the amount of interest due on the several notes respectively, and in case of failure on the part of any of the debtors on said notes to discharge said demand, it shall be then the duty to report the same in said report; and it shall be the duty of the president of the board of police to cause suit forthwith to be instituted on all such notes wherever such failure to pay the interest as demanded has occurred, for the collection of both principal and interest.

On motion of Mr. Dabney,

Said bill and the amendment was laid on the table.

A bill to be entitled,

An act for the relief of William Brown,

Was read the second time.

A bill to be entitled,

An act to incorporate the Fulton engine company, No. 3, of Vicksburg;

Was read the second time.

A bill to be entitled,

An act to incorporate Phœnix engine company, No. 2, of Vicksburg;

Was read the second time.

A bill to be entitled,

An act to repeal the seventh section of an act to authorize Andrew Kerr to make a turnpike road in the county of Tunica;

Was read the second time.

A bill to be entitled,

An act for the benefit of the sheriffs of the several counties of this state;

Was read the second time.

On motion of Mr. Matthews,

Said bill was committed to the whole house;

And made the order of the day for to-morrow.

A bill to be entitled,

An act to incorporate the southern rail road company;

Was before the senate for a third reading.

On motion of Mr. Labauve,

Said bill was read the third time by title.

On motion of Mr. Guion,

Said bill was referred to a select committee of five, with instructions to report on tomorrow.

Messrs. Guion, Durr, Fox, Matthews and Ramsay were appointed said committee.

On motion of Mr. Labauve,

The senate took a recess until half after 3 o'clock, p. m.

HALF PAST 3 O'CLOCK, P. M.

The recess having expired, the senate met.

On motion of Mr. Labauve,

The consideration of a bill entitled,

An act to provide for a call of a convention to change the constitution of the state of Mississippi, in committee of the whole, was postponed until Friday next.

The senate resolved itself into committee of the whole, on a resolution to divide the state into four districts, for the purpose of an equal appropriation of the internal improvement fund;

And after some time spent therein,

The committee rose; and,

Mr. Price reported said resolutions back with an amendment.

On motion of Mr. Price,

The report was received.

On motion of Mr. Guion,

The report was agreed to.

Mr. Guion called for the ayes and noes on the agreement thereto, which are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Dabney, Dupree, Durr,

Fox, Guion, Horne, Hicks, Lipscomb, Metcalf, Miles, Nicholson, Pegues, Ramsay, Stewart, Tillman, Turner and Willburn—20 votes.

Noes—Messrs. Acker, Beene, Boone, Johnson, Lumpkin, Labauve, Matthews, Price and Williams—9 votes.

On motion of Mr. Labauve,

Said resolutions were laid on the table.

A bill to be entitled,

An act to prevent the sacrifice of real estate sold under execution, decrees in chancery and deeds of trust;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

Mr. Matthews called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Acker, Beene, Dabney, Dupree, Fox, Guion, Johnson, Lipscomb, Lumpkin, Labauve, Metcalf, Miles, Nicholson, Stewart, Turner, Williams and Willburn—17 votes.

Noes—Mr. President, Adams, Briscoe, Booth, Boone, Durr, Horne, Hicks, Matthews, Pegues, Price, Ramsay and Tillman—13 votes.

A bill to be entitled,

An act to preserve the records of the probate court of Lowndes county, Mississippi;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to change the name of Frances C. Jennisson, &c.;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act for the relief of Louisa Williams and her children;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to regulate and define the relation of masters and apprentices;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to provide for cases where no executor or administrator will qualify under a will, &c.;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to provide for allowance and payment of the claims of physicians for medical services rendered in certain cases;

Was read the third time.

On motion of Mr. Williams,

Said bill was referred to the same select committee to whom it had been referred on a previous day.

A bill to be entitled,

An act to authorize the removal of the slaves of the estate of Thomas Hardeman to the state of Tennessee;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to incorporate the trustees of the first presbyterian church of Yazoo city;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

On motion of Mr. Miles,

The first amendment made by the house of representatives to a bill from the senate to be entitled,

An act to amend the revenue laws of this state;

Was concurred in.

On motion of Mr. Labauve,

The second of said amendments was concurred in.

A bill from the house of representatives to be entitled,

An act in relation to the free negroes in the town of Grand Gulf;

Was read the first time.

A bill to be entitled,

An act to prohibit the police court of Sunflower county from levying a special tax, except in certain cases herein provided;

Was read the first time.

A bill to be entitled, an act locating the seat of justice for the county of Hancock, and for other purposes; was read the first time;

A bill to be entitled, an act for the relief of Eisha Fox;

Was read the first time.

The senate concurred in the amendments made by the house to the amendments made by the senate to a bill from the house, entitled,

An act for the relief of Tillman Mitchell, late sheriff of Kemper county.

A bill to be entitled,

An act to regulate the interest for the school fund, and for other purposes;

Was read the first time.

A bill to be entitled,

An act to authorize foreign guardians to remove the property of their wards out of this state;

Was read the first time.

A bill to be entitled,

An act to legalize George W. Hicks;

Was read the first time.

A bill to be entitled,

An act to incorporate the Pontotoc male academy;

Was read the first time.

On motion of Mr. Price,

The constitutional rule was dispensed with,

And said bill read the second time by title.

On motion of Mr. Beene,

The rule was further dispensed with,

And said bill read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act prescribing the mode of collecting costs in certain cases, and for other purposes;

Was read the first time.

Mr. Matthews asked and obtained leave to the introduction of a bill to be entitled,

An act to repeal an act entitled an act to secure the collection of jury tax-fees, and for other purposes, approved Feb. 21st, 1844;

Which was read the first time.

Mr. Matthews asked and obtained leave to the introduction of a bill to amend an act regulating the leins of judgments and decrees, approved February 24th, 1844;

Which was read the first time.

Mr. Labauve asked and obtained leave to the introduction of a resolution, which is as follows, to-wit:

Resolved, That a select committee of three be raised to take into consideration the expediency of memorializing congress asking the appropriation of $300,000 from the five per cent. of the nett proceeds of the lands lying within this state, which may hereafter be sold, and the same to be applied to the construction of the Commerce, Hernando and Eastport rail road company, which road extends to the Alabama line;

Which was read; and,

On motion of Mr. Labauve,

The further consideration thereof was postponed until to-morrow.

On motion of Mr. Dupree,

The senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, February 5, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Miles presented the petition of John B. Moore;

Which was read, and,

On his motion,

Referred to a select committee of three.

Messrs. Miles, Stewart and Guion, were appointed said committee.

Mr. Tilman was called to the chair;

When the president in the senate, presented the claim of William McCaskill, of Simpson county;

Which, on his motion,

Was referred to the committee on claims.

The president presented the petition of sundry citizens of Rankin county, in relation to the records of the circuit court of said county;

Which, on his motion,

Was referred to the judiciary committee.

Mr. Guion presented the claim of John A. Wilcox;

Which, on his motion,

Was referred to the committee of claims.

The president presented the communication of Joseph A. Ferguson, touching a claim in Rankin county;

Which, on his motion,

Was referred to the committee on propositions and grievances.

The president presented the claim of Wells Griffeth, Isaac Denson and James M. Lamb;

Which, on his motion,

Was referred to the committee on claims.

The following message was received from his excellency, the governor, through his private secretary, to-wit:

To THE SENATE—I have the honor to submit for the advice and consent of the senate, the petition of James Childress and Hugh B. McCarty, sureties of James Childress, praying to have a forfeiture remitted.

A. G. BROWN.

Executive chamber, 5th February, 1846.

Which was read.

On motion of Mr. Price,

The senate went forthwith into executive session on said message, with open doors.

Mr. Price offered the following resolution, to-wit:

Resolved, That the senate advise and consent to the remission of the forfeitures as asked for by the petitioners;

Which was adopted.

The president resumed his chair.

Mr. Guion, from a select committee, to whom was referred a bill to be entitled,

An act to incorporate the Southern rail road company,

Reported said bill back, with sundry amendments.

On motion of Mr. Guion,

Said report was received,

And the first of said amendments was concurred in.

Mr. Acker offered the following amendment as a substitute for the second amendment reported by the committee, viz:

Be it further enacted, That the State of Mississippi shall not be a stockholder in said rail road, nor be liable for any contract made by the same, nor have any interest therein, but that the subscriptions for stock by the governor to the amount of the two per cent. fund, shall operate as a release of said fund to the stockholders of

said road: that in making such subscription, the state abandons all control over, and all interest in said fund: *provided, however*, the governor shall not make said subscription before one million of dollars shall have been subscribed by individual stockholders, ten per cent paid thereon, and the balance secured by bond and security, approved by the commissioners to be appointed by the governor for that purpose.

The question was thereupon had upon accepting said amendment as a substitute for said second amendment reported by said committee;

Which was lost.

Mr. Miles offered the following amendment to the fourth amendment reported by said committee, viz:

"Fill the blank in the fifth section with five hundred dollars;"

Which was adopted.

On motion of Mr. Guion,

The second, third, fifth and fourth amendments, were concurred in.

Mr. Boone offered the following amendment to the second of said amendments, to-wit:

"Which may be realized by the state after paying all costs the state may be at in procuring the same, by suit or otherwise;"

Which was lost;

And said bill, as amended, ordered to be engrossed for a third reading forthwith.

Mr. Miles asked, and obtained leave, to the introduction of a bill to be entitled,

An act to cancel certain payments of taxes therein named, and to require the sheriff of Warren county to collect the same, and for other purposes;

Which was read the first time.

Mr. Fox asked, and obtained leave, to the introduction of a resolution, authorizing and instructing the commissioner of the town lot fund to credit H. O. G. Parker, &c.;

Which was read the first time.

Mr. Adams asked, and obtained leave, to the introduction of a bill to be entitled,

An act to incorporate the town of Raleigh, in the county of

Smith, and to repeal the acts heretofore passed incorporating said town;

Which was read the first time.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bills, have examined bills of the following titles, to-wit:

An act to change the time of holding the probate court of the county of Newton;

An act to amend an act to amend an act approved on the 23d of February, 1844, altering and amending the act incorporating the town of Houston, in the county of Chickasaw;

An act to incorporate the town of Chulahoma, in the county of Marshall;

An act to establish the county seat of Washington county;

An act to authorize and empower the clerk of the circuit court of Hinds county, to transcribe certain books therein mentioned, and for other purposes;

An act amendatory of the laws for the relief of the poor;

An act to amend an act entitled an act to reorganize the judicial districts of the State of Mississippi, approved February 3d, 1844;

An act to incorporate the president and trustees of the Aberdeen female academy, in the town of Aberdeen;

An act to estnblish an inferior court of chancery in the southern part of this state;

And have found the same correctly enrolled.

N. S. PRICE, chairman.

The following message was received from the house of representatives, through their clerk, Mr. Montgomery, to-wit:

Mr. President—The house of representatives have passed a bill of the following title, viz:

A bill to be entitled,

An act for the relief of George Holly, of Harrison county;

In which I am instructed to desire the concurrence of the senate.

Mr. President—The house of representatives have passed a bill from the senate, of the following title, viz:

A bill to be entitled,

An act to attach a portion of the county of Yazoo to the county of Warren.

Mr. President—The speaker of the house of representatives has signed acts, which originated in the house, of the following titles, viz:

An act to change the time of holding the probate court of the county of Newton;

An act to amend an act approved on the 23d day of February, 1844, altering and amending the act incorporating the town of Houston, in the county of Chickasaw;

An act to incorporate the town ot Chulahoma, in the county of Marshall;

An act to authorize and empower the clerk of the circuit court of Hinds county, to transcribe certain books therein mentioned, and for other purposes;

An act to establish the county seat of Washington;

Which I am instructed to present to the senate for the signature of the president.

The president signed said bills.

Mr. Fox asked, and obtained leave, to the introduction of a bill of the following title, to-wit:

A bill to be entitled,

An act to incorporate Evening Star Lodge No. 70; &c.;

Which was read the first time.

Mr. Matthews, from a select committee, reported a bill to be entitled,

An act for the relief of William S. Langley;

Which was read the first time.

Mr. Dupree asked, and obtained leave, to the introduction of a bill to be entitled,

An act to authorize and empower the governor to appoint a private secretary, and for other purposes;

Which was read the first time.

Mr. Durr asked, and obtained leave, to the introduction of a bill to be entitled,

An act for the relief of the sheriff of Lauderdale county;

Which was read the first time.

On motion of Mr. Durr,

The constitutional rule was dispensed with,

And said bill was read the second time by title;

And said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Tillman presented the petition of sundry citizens of the county of Copiah;

Which, on his motion,

Was laid on the table.

Mr. Boone, from a joint select committee to whom had been referred the subject of the Chickasaw school lands, reported a bill to be entitled,

An act providing for the sale of the Chickasaw school lands;

Which was read the first time.

On motion of Mr. Boone,

The constitutional rule was dispensed with,

And said bill was read by title the second time.

On further motion of Mr. Boone,

Said bill was laid on the table, and two hundred copies ordered to be printed.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. President—The house of representatives have given leave to the introduction of bills of the following titles, viz:

A bill to be entitled,

An act to annex a certain portion of the territory of Issaquena county, to the county of Yazoo;

A bill to be entitled,

An act to aid the citizens of Vicksburg in building a hospital, in place of the one destroyed by fire;

A bill to be entitled,

An act in relation to the town lot fund, and for other purposes;

A bill to be entitled,

An act to authorize the sale of lands belonging to the sinking fund, and for other purposes;

A bill to be entitled,

An act to authorize the commissioner of the sinking fund to compound with the debtors thereof.

Mr. President—The house of representatives have passed a bill of the following title, viz:

A bill to be entitled,

An act to aid the citizens of Vicksburg in building a hospital in the place of the one destroyed by fire;

In which I am instructed to desire the concurrence of the senate.

The senate resolved itself into committee of the whole on a bill to be entitled,

An act for the benefit of the sheriffs of the several counties of this state;

And after some time spent therein, the committee rose; and,

Mr. Boone reported back said bill without amendment.

On motion of Mr. Boone,

The report was received.

Mr. Matthews moved the postponement of said bill and its amendments until to-morrow;

Which was lost.

Mr. Matthews offered the following amendment to the amendment made by the house of representatives, by way of ryder, to-wit:

Amend first ryder—insert the word 'hereafter' after the word 'not,' in second line;

Strike out third line of first ryder, and insert, 'but the sheriff, in all cases, shall be entitled to collect fifty cents for each tract of land by him sold for taxes for his trouble in advertising and selling the same';

And provided further, That any sales of land for taxes made subsequent to the first of March be, and the same are hereby legalized, the same as though the same had been made before that time;

Which was adopted.

On motion of Mr. Labauve,

Said amendment was considered as engrossed,

And said bill, as amended, put on its passage, and lost.

Mr. Ramsay called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Acker, Briscoe, Booth, Beene, Boone, Dabney, Fox, Lipscomb, Lumpkin, Matthews, Price, Tillman and Williams —13 votes.

Noes—Mr. President, Adams, Dupree, Guion, Horne, Hicks,

Johnson, Labauve, Metcalf, Miles, Nicholson, Pegues, Ramsay, Stewart, Turner and Willburn—16 votes.

The senate resolved itself into committee of the whole on bills of the following titles, to-wit:

A bill to be entitled,

An act to provide for the sale of the five hundred thousand acres of land donated the state of Mississippi by an act of congress, approved 6th September, A. D., 1841, and for other purposes;

A bill to be entitled,

An act to provide for the construction of a levee on the Mississippi river, for the protection and improvement of the state lands;

And after some time spent therein, the committee rose; and,

Mr. Williams reported progress, and asked leave to sit again at 3 o'clock, p. m.

On motion of Mr. Williams,

The report was received, and agreed to.

On motion of Labauve,

The senate took a recess until 3 o'clock, p. m.

3 O'CLOCK, P. M.

The recess having expired, the senate met.

On motion of Mr. Boone,

The honorable senator from the county of Lawrence and Marion had leave of absence granted him until to-morrow week.

Mr. Durr moved to postpone the consideration, in committee of the whole, of the bill last named before the senate 'till to-morrow 10 o'clock;

Which was lost.

The senate forthwith resolved itself into committee of the whole on said bills, of the following titles, to wit:

A bill to be entitled,

An act to provide for the construction of a levee on the Mississippi river, for the protection and improvement of the state lands;

A bill to be entitled,

An act to provide for the sale of the 500,000 acres of land donated the state of Mississippi by an act of congress, approved 6th September, A. D., 1841, and for other purposes;

And after some time spent therein, the committee rose; and,

Mr. Williams reported progress, and asked leave to sit again on Saturday next, 11 o'clock, a. m.

On motion of Mr. Williams,

The report was received, and leave granted.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

MR. PRESIDENT—The joint standing committee on enrolled bills have presented bills of the following titles to his excellency, the governor, for his approval:

An act to change the name of Sarah Jane Kendall to that of Sarah Jane Oakley;

An act for the relief of William E. T. Griffeth;

An act to declare Big Black creek a navigable stream, and for other purposes;

An act to authorize the change of venue in the case of the state of Mississippi vs. James P. Porter;

An act to incorporate the officers of Houston Lodge of free and accepted masons, in the town of Houston, in Chickasaw county;

An act to repeal certain laws in relation to the road hands in Honey Island, in Holmes county;

An act to revive an act entitled an act to incorporate the towns of Shieldsborough, Pass Christian and Biloxi, in the county of Hancock, and for other purposes, as far as relates to the town of Shieldsborough, in the county of Hancock;

An act to change the name of Rachael Laura Randall to that of Laura Randall Taylor;

An act better to provide for the organization of Perry county, in this state, at each general election;

An act to incorporate Black Hawk male and female academies, in the county of Carroll;

An act for the relief of Isaac Chrisman, and for other purposes;

Also, preamble and resolutions asking congress to erect light-houses, establish a mail route on the sea coast of Mississippi, &c.

Mr. Guion called for the consideration of a bill to be entitled,

An act to incorporate the southern rail road company;

Which was read the third time by its title.

Mr. Boone offered the following amendment, by way of ryder, to said bill, to-wit:

Sec. —— *And be it further enacted*, That the state shall be in

no wise liable for any loss that may be sustained of said two per cent. fund by defalcation or cost that may have accrued or that may hereafter accrue in collecting the same;

Which was lost;

And said bill was put on its passage, and carried.

Ordered, That the title thereof be as stated.

Mr. Turner called for the ayes and noes on its passage, which are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Dupree, Durr, Fox, Guion, Horne, Hicks, Lipscomb, Lumpkin, Lansdale, Metcalf, Matthews, Miles, Nicholson, Pegues, Ramsay, Stewart, Tillman, Turner and Willburn—22 votes.

Noes—Messrs. Acker, Booth, Beene, Boone, Dabney, Johnson, Labauve, Price and Williams—9 votes.

A bill to be entitled,

An act to incorporate the trustees of Zion seminary, in the county of Covington;

Was read the second time.

On motion of Mr. Turner,

The constitutional rule was dispensed with,

And said bill was read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

Mr. Price moved an adjournment until to-morrow, 10 o'clock, a. m.;

Which was lost.

A bill to be entitled,

An act in relation to the free negroes in the town of Grand Gulf;

Was read the second time.

A bill to be entitled,

An act locating the seat of justice for the county of Hancock, and for other purposes;

Was read the second time.

On motion of Mr. Ramsay,

Said bill was laid on the table.

A bill to be entitled,

An act for the relief of Elisha Fox;

Was read the second time.

A bill to be entitled,

An act to prohibit the police court of Sunflower county from levying a special tax, except in certain cases therein provided;

Was read the second time.

On motion of Mr. Labauve,

The constitutional rule was dispensed with,

And said bill read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to repeal the second section of an act entitled an act to regulate the interest on the school fund;

Was read the second time.

A bill to be entitled,

An act to authorize foreign guardians to remove the property of their wards out of this state;

Was read the second time.

Mr. Lansdale moved to commit said bill to the judiciary committee;

Which was lost.

A bill to be entitled,

An act to legalize George W. Hicks;

Was read the second time.

A bill to be entitled,

An act prescribing the mode of collecting costs in certain cases, and for other purposes,

Was read the second time.

Mr. Matthews moved an adjournment until to-morrow morning, 10 o'clock;

Which was lost.

Mr. Labauve moved to lay the bill, of the last named title, on the table;

Which was lost.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Dabney, Durr, Horne, Lipscomb and Willburn—8 votes.

Noes—Messrs. Acker, Booth, Beene, Boone, Dupree, Guion, Hicks, Johnson, Lumpkin, Labauve, Lansdale, Metcalf, Matthews, Miles, Nicholson, Pegues, Price, Ramsay, Stewart, Tillman, Turner and Williams—22 votes.

Mr. Miles moved to postpone said bill until the first of July next;

Which was lost.

Mr. Acker called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs Booth, Dupree, Guion, Lansdale, Metcalf, Miles, Nicholson, Stewart, Turner and Williams—10 votes.

Noes—Mr. President, Adams, Acker, Briscoe, Beene, Boone, Dabney, Durr, Horne, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Pegues, Price, Ramsay, Tillman and Willburn —20 votes.

Mr. Adams moved to commit said bill to the whole house, and make it the order of the day for Saturday next, 11 o'clock, a. m.;

Which was lost.

A bill to be entitled,

An act to incorporate the Phœnix engine company, No. 2, of Vicksburg;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to incorporate Fulton engine company, No. 3, of Vicksburg;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act for the relief of William Brown;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to repeal the 7th section of an act to authorize Andrew Kerr, to make a turnpike road in the county of Tunica;

Was read the third time.

On motion of Mr. Labauve,

Said bill was laid on the table.

Mr. Lansdale moved an adjournment until to-morrow morning, 10 o'clock;

Which was lost.

A bill to be entitled,

An act to regulate the practice of the circuit courts of this state in certain cases;

Was read the second time.

On motion of Mr. Matthews.

Said bill was committed to the whole house, and made the order of the day for to-morrow.

A bill to be entitled,

An act to incorporate and establish the town of Yazoo city, and for revising and repealing all laws and parts of laws heretofore enacted on that subject.

On motion of Mr. Miles,

Said bill was referred to a select committee of three,

Messrs. Miles, Guion and Stewart were appointed said committee.

A resolution to apply the nett proceeds of the public lands of Mississippi to the erection of Fort Constitution, on the Mississippi coast;

Was read the second time.

On motion of Mr. Horne,

Said resolution was laid on the table.

Mr. Adams called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Acker, Briscoe, Beene, Dabney, Durr, Horne, Hicks, Johnson, Lumpkin, Labauve, Lansdale, Pegues, Price, Ramsay and Tillman—17 votes.

Noes—Messrs. Booth, Boone, Dupree, Guion, Lipscomb, Metcalf, Matthews, Miles, Nicholson, Stewart, Turner, Williams and Willburn—13 votes.

A resolution to raise a committee on the Commerce, Hernando and Eastport rail road company;

Was read the second time; and,

On motion of Mr. Adams,

Laid on the table.

A bill to be entitled,

An act to amend the third section of an act regulating the leins of judgments and decrees, approved February 24th, 1844;

Was read the second time.

Mr. Miles offered the following amendment, to-wit:

Amend by adding, after the word 'soon,' 'and said clerks shall charge said sums as part of the costs in each case';

Which was adopted.

Mr. Guion offered the following amendment, to-wit:

Amend by adding:

Sec. —— *Be it furthar enacted*, That in each and every criminal case, in which the state shall fail in the prosecution and the defendant shall be insolvent, the clerk of the circuit court shall be entitled to receive the sum of six dollars, in full compensation for all services rendered in such case, to be paid out of the treasury of the state, on the warrant of the auditor of public accounts.

Mr. Labauve moved to lay said amendment on the table;

Which was lost.

The question was then had on the adoption of the amendment;

Which was lost.

The following message was received from his excellency, the governor, through his private secretary, viz:

Mr. President—His excellency, the governor, has this day approved and signed the following bills, which originated in the senate:

An act for the relief of William E. T. Griffeth;

An act to declare Big Bear creek a navigable stream, and for other purposes;

An act to repeal certain laws in relation to the road hands in Honey Island, in Holmes county;

An act to change the name of Sarah Jane Kendall to that of Sarah Jane Oakley;

An act to authorize the change of venue in the case of the state of Mississippi vs. James P. Porter;

An act to incorporate the officers and members of Houston Lodge of free and accepted masons, in the town of Houston, in Chickasaw county;

Approved February 5th, 1846.

On motion of Mr. Adams,

The senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, February 6, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Willburn presented the communication of Thomas B. Ives;

Which was read; and,

On motion of Mr. Willburn,

Said communication was referred to a select committee of three.

Messrs. Willburn, Boone and Lansdale were appointed said committee.

Mr. Pegues presented the petition of the administrators of the estate of James T. Stockard, deceased; which,

On his motion,

Was referred to the committee on claims.

Mr. Dupree presented the petition of Michael Toubert;

Which was read.

On motion of Mr. Dupree,

Said petition was referred to the penitentiary committee.

Mr. Williams presented the petition of sundry citizens of the counties of Chickasaw, Pontotoc, Yalobusha, Lafayette and Choctaw; which,

On his motion,

Was referred to a select committee of six.

Messrs. Williams, Willburn, Johnson, Beene, Pegues and Guion were appointed said committee.

Mr. Lipscomb presented the petition of the committee on the part of the Mississippi medical convention; which,

On his motion,

Was referred to a select committee of three.

Messrs. Metcalf, Nicholson and Williams were appointed said committee.

The president, from his chair, presented the petition of M. A. Banks;

Which was read; and,

On motion of Mr. Durr,

Referred to a select committee of three.

Messrs. Durr, Ramsay and Matthews were appointed said committee.

Mr. Hicks presented the claim of Isaac Taylor; which,

On his motion,

Was referred to the committee on claims.

Mr. Boone offered the following resolution, to-wit:

Resolved, That the committee on the judiciary be requested to inquire into the necessity or expediency of making provision by law to remedy the injuries and losses sustained by the county or citizens thereof, by reason of the burning of the court house of Simpson county, and the records of the several courts of said county, on the night of the 10th Nov., 1844; and that they have leave to report by bill or otherwise;

Which was read and adopted.

Mr. Stewart presented the claim of James N. Dowty; which,

On his motion,

Was referred to the committee on claims.

Mr. Briscoe asked and obtained leave to the introduction of a bill to be entitled,

An act to change the name of Matilda Ann Woodill to that of Matilda Ann Luckey;

Which was read the first time.

On motion of Mr. Briscoe,

The constitutional rule was dispensed with,

And said bill was read the second time by title.

On the further motion of Mr. Briscoe,

The constitutional rule was further dispensed with,

And said bill considered as engrossed,

And read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

Mr. Miles offered the following resolution, to-wit:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of providing by law for the allowance for improvements in favor of tenants and others against whom any real or possessory action may hereafter be sustained by way of set-off to any claim for rents, issues and profits: also, into the expediency of like allowance in cases where permanent improvements have been made beyond the value of the rents, issues and profits: and, also, to enquire into the expediency of providing by law for staying the execution of the writ of *habere facias possessionem* or other possessory writ or order, until the amount of such set-off, or the amount allowed for such permanent improvement,

be paid; and to provide for the manner of ascertaining the just amount of such set-off or improvements;

Which was read, and adopted.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. President—The house of representatives have given leave to the introduction of a bill of the following title, viz:

A bill to be entitled,

An act to regulate the mode of obtaiaing license to sell vinous and spirituous liquors, &c.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bills have examined bills of the following titles:

An act to incorporate the Pontotoc male academy;

An act to incorporate the trustees of Zion seminary, in the county of Covington;

An act to prohibit the police court of Sunflower county from levying a special tax, except in certain cases herein provided;

An act to attach a portion of the county of Yazoo to the county of Warren;

An act to amend the revenue laws of this state;

And have found the same correctly enrolled.

N. S. PRICE, chairman.

Mr. Williams presented the claims of J. B. Middlebrooks, sheriff of Chickasaw county; which,

On his motion,

Was referred to the committee on claims.

Mr. Williams offered the following resolution, to-wit:

Resolved, That the committees raised in the senate and house of representatives to take into consideration that portion of the governor's message in relation to the establishment of a lunatic asylum, be hereafter (with the consent of the house,) a joint standing committee;

Which was read the first time.

On motion of Mr. Williams,

The constitutional rule was dispensed with,

And said resolution read the second time, and adopted forthwith.

On motion of Mr. Adams,

Mr. Williams was added to said committee.

Mr. Horne gave notice that he would, on to-morrow, introduce a bill reducing the present number of representatives to 59, and the present number of senators to 19.

The following message was received from his excellency, the governor, through his private secretary, to-wit:

To the senate:

I herewith return to the senate a bill for the relief of Isaac Chrisman, without my approval. The subjoined correspondence will disclose my reasons for so doing.

A. G. BROWN.

EXECUTIVE CHAMBER,
6th February, 1846.

EXECUTIVE CHAMBER,
5th February, 1846.

Hon. William Clarke, State Treasurer,

" *James E. Matthews, Auditor:*

I send by Mr. Micholson, for your inspection, a bill for the relief of Isaac Chrisman. Having learned that the legislature labored under some misapprehension in regard to the rights of Mr. Chrisman in passing this bill, and that the facts are known to you, I request that you will state them to me in writing at your earliest convenience.

Very respectfully, your ob't serv't,

A. G. BROWN.

[NO. 1.]

TREASURER'S OFFICE,
Jackson, February 5th, 1846.

His Excellency, A. G. Brown, Governor, &c.

SIR: We have the honor to acknowledge the receipt of yours of this date, calling on us for information in relation to the purchase of lots in this city by Isaac Chrisman. Having previously prepared a statement of our recollection of the facts connected with that transaction, we beg leave to present you with it, which we have marked document A, and which will give you all the information we are able to give.

Very respectfully, your ob't serv't.

W. CLARK, Treasurer,
JAMES E. MATTHEWS,
Auditor of Public Accounts.

[NO. 2.]

On the 1st day of July, 1844, the auditor and myself offered for sale the lots in the city of Jackson, belonging to the state, in conformity with an act of the legislature. It was a fixed principle with us to sell no lot which would involve the purchaser in litigation, believing that where there existed a claim adverse to that of the state, it was a subject entirely within the province of the commissioner of town lots. At the sale, a person who was a stranger to me, (but since I have understood his name is John Sanford,) bid off two lots. Before paying for the lots, Mr. Sanford ascertained that Col. Foute had a claim upon them and refused to take them. We were ignorant of the claim of Col. Foute and expressed a willingness to release Sanford. Isaac Chrisman being present at the time, or coming up soon thereafter, agreed to take the bids off Mr. Sanford's hands, notwithstanding the claim of Foute. I expressly and distinctly stated that we would not involve the state in any action or petition to the legislature; that if he, Chrisman, lost the lots, it would be without redress or remedy from the state, to which he agreed, nor would I have consented to transfer the bid from Sanford to Chrisman upon any other terms. I have an indistinct recollection of Chrisman's speaking of some notes that he expected to get from Governor Brown, or the commissioner of town lots, but of this I cannot speak particularly, as it was a matter with which I had no concern. I recollect that Chrisman, with a full knowledge of his title, or its incumbrance, seemed well satisfied.

W. CLARK, Treasurer.

My recollection of the facts above stated, are not very distinct but are in harmony with the statement of Gen'l Clark. I will also state that it was adopted by us as a rule, not to sell any lots with any adverse claim upon them, and I am confident that I never would have consented that Mr. Chrisman should have taken the lots above referred to, except at his own risk as to title.

JAMES E. MATTHEWS,
Auditor Public Accounts.

P. S. We beg leave to add, to what we have before stated, that Mr. Chrisman alledges that Sanford only bought No. 5, in square No. 4 south, and that he bought No. 6 himself, in which he is sustained by the recollection of Samuel Matthews. They may be

right and we wrong on this point—we do not affirm positively. In a conversation with Mr. Chrisman, he admits the balance of the statement. Mr. Chrisman also alledges, that No. 5 was not advertised. We have only examined the advertisement in the Southern Reformer, and find, much to our surprise, that the allegation is true. But we still affirm that it is our conviction, that at the time Mr. Chrisman paid for lots 5 and 6, as stated in the law submitted to us, he was fully aware that there was an adverse claim to the lots.

WM. CLARK, Treasurer.

I was not present at the above named conversation with Mr. Chrisman; as to the balance of the above postcript, it accords with my recollection of the facts.

JAMES E. MATTAEWS,
Auditor of Public Accounts.

And forthwith the question was had, "shall this bill pass, notwithstanding the objections of the governor."

It was decided in the negative.

The ayes and noes thereon, are as follows, viz:

Ayes—

Noes—Mr. President, Adams, Acker, Briscoe, Booth, Beene, Boone, Dabney, Dupree, Durr, Guion, Horne, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Lansdale, Metcalf, Matthews, Miles, Nicholson, Pegues, Price, Ramsay, Stewart, Tillman, Turner, Williams and Willburn—30 votes.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, viz:

Mr. President—I am instructed by the house of representatives to inform the senate that the house of representatives insist upon their amendment made to the senate bill to be entitled,

An act to amend an act entitled an act to incorporate the Chuquatontia turnpike company.

The speaker of the house of representatives has signed acts, which originated in the house, of the following titles, viz:

An act to incorporate the trustees of Zion seminary, in the county of Covington;

An act to prohibit the police court of Sunflower county from levying a special tax, except in certain cases herein provided;

An act to incorporate the Pontotoc male academy;

Which I am instructed to present to the senate for the signature of the president.

The president signed the bills in said message mentioned.

Mr. Briscoe asked and obtained leave to the introduction of a bill to be entitled,

An act to incorporate the Grand Gulf Lodge, No. 41, and for other purposes.

On motion of Mr. Briscoe,

The constitutional rule was dispensed with,

And said bill was read the second time by title; and,

On the further motion of Mr. Briscoe,

Said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Stewart asked and obtained leave to the introduction ot a bill to be entitled,

An act to incorporate Asylum Lodge, No. 63, of free and accepted masons, in the town of Woodville;

Which was read the first time.

On motion of Mr. Stewart,

The constitutional rule was dispensed with,

And said bill read the second time by title.

On motion of Mr. Stewart,

Said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Labauve asked and obtained leave to the introduction of a bill to be entitled,

An act for the benefit of the sheriffs of Coahoma, Washington and Isaquena counties;

Which was read the first time.

On motion of Mr. Labauve,

The constitutional rule was dispensed with,

And said bill was read the second time by title.

On the further motion of Mr. Labauve,

The rule was further dispensed with,

And said bill considered as engrossed;

And read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

Mr. Boone asked and obtained leave to the introduction of a bill to be entitled,

An act to fix an apportionment of senators and representatives in this state;

Which was read the first time.

Mr. Miles, from a select committee, to whom had been referred a bill to be entitled,

An act to incorporate and establish the town of Yazoo city, and for revising and repealing all laws and parts of laws heretofore enacted on that subject, reported said bill back without amendment, and recommended its passage.

On motion of Mr. Miles,

The report was received and agreed to; and,

On motion of Mr. Miles,

Said bill was ordered to be engrossed for a third reading on Tuesday next.

The following message was received from the house of representatives, through their clerk, Mr. Montgomery, to-wit:

Mr. President—The house of representatives have passed bills of the following titles, viz:

A bill to be entitled,

An act to authorize the board of police of Marshall county, to improve the Holly Springs and Pontotoc road;

A bill to be entitled,

An act to authorize the board of police of Tishemingo county to locate a poor house;

In which I am instructed to desire the concurrence of the senate.

Mr. Lansdale asked and obtained leave to the introduction of a bill to be entitled,

An act amendatory of an act, approved 26th July, 1843, regulating the proceeding by quo warranto against incorporations in certain cases;

Which was read the first time.

On motion of Mr. Lansdale,

Said bill was laid on the table;

And 200 copies thereof ordered to be printed.

Mr. Price asked and obtained leave to the introduction of a bill to be entitled,

An act to repeal the law of leins upon judgments in justices courts, and for other purposes;

Which was read the first time.

Mr. Guion, from the committee on the judiciary, to whom had been referred a bill to be entitled,

An act for the relief of Jesse Sullivant, a citizen of Tallahatchie county, reported said bill back without amendment, and recommended the passage of a bill of the following title, in lieu thereof, to-wit:

A bill to be entitled,

An act to authorize the taking of depositions in criminal cases.

On motion of Mr. Guion,

The report was received.

On motion of Mr. Labauve,

The report was agreed to.

And said bill, as reported, was read the first time.

A bill from the house of representatives to be entitled,

An act to authorize the board of police of Marshall county to improve the Holly Springs and Pontotoc road;

Was read the first time.

On motion of Mr. Williams,

The senate insist on their disagreement to the amendment made by the house of representatives to a bill from the senate to be entitled,

An act to incorporate the Chuquatontia turnpike company.

A bill from the house to be entitled,

An act to authorize the board of police of Tishemingo county to locate a poor house;

Was read the first time.

On motion of Mr. Boone,

The constitutional rule was dispensed with,

And said bill was read the second time by title.

On the further motion of Mr. Boone,

The rule was further dispensed with,

And said bill read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

The senate proceeded to the consideration of the orders of the day.

A bill to be entitled,

An act in relation to the free negroes in the town of Grand Gulf;

Was read the third time, and lost.

Mr. Briscoe called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Briscoe, Durr, Labauve, Matthews, Price and Tillman—6 votes.

Noes—Mr. President, Adams, Acker, Booth, Beene, Boone, Dabney, Dupree, Guion, Horne, Hicks, Johnson, Lipscomb, Lansdale, Metcalf, Miles, Nicholson, Pegues, Ramsay, Stewart, Turner, Williams and Willburn—23 votes.

A bill to be entitled,

An act for the relief of Elisha Fox; was read the third time.

On motion of Mr. Guion,

Said bill was laid on the table.

A bill to be entitled,

An act to repeal the 2nd section of an act to regulate the interest on the school fund, and for other purposes;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to authorize foreign guardians to remove the property of their wards out of this state;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to legalize George W. Hicks;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act prescribing the mode of collecting costs in certain cases, and for other purposes;

Was read the third time.

Mr. Durr moved to lay said bill on the table;

Which was lost.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Yeas—Mr. President, Booth, Dupree, Guion, Lumpkin, Metcalf, Miles, Ramsay, Stewart, Turner and Williams—11 votes.

Noes—Messrs. Adams, Acker, Briscoe, Beene, Boone, Dabney, Durr, Horne, Hicks, Johnson, Lipscomb, Labauve, Matthews, Nicholson, Pegues, Price, Tillman and Willburn—18 votes.

On motion of Mr. Guion,

Said bill was committed to the whole house,

And made the order of the day for Wednesday next.

A bill to be entitled,

An act to authorize the Grand Gulf rail road and banking company to sell their railway;

Was read the third time.

Mr. Briscoe offered the following amendment, by way of ryder, to-wit:

Amendment, by way of ryder:

Be it further enacted, That the said rail road shall not be sold for a a less sum than fifty thousand dollars, unless it should be necessary so to do to raise the tax;

Which was adopted.

Mr. Tillman moved the postponement of said bill and the amendment until the 1st day of January, 1848;

Which was lost.

Mr. Tillman called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Acker, Beene, Dabney, Labauve and Tillman —5 votes.

Noes—Mr. President, Adams, Briscoe, Booth, Boone, Dupree, Durr, Guion, Horne, Hicks, Johnson, Lipscomb, Lumpkin, Lansdale, Metcalf, Matthews, Miles, Nicholson, Pegues, Price, Ramsay, Stewart, Turner, Williams and Willburn—25 votes.

Mr. Tillman offered the following amendment, by way of ryder:

Sec. —— *Be it further enacted*, That upon the completion of said rail road it shall be competent for said purchaser or purchasers, lessee or lessees, or their agent, to ship cotton direct from Port Gibson, Mississippi, to New Orleans; and if said purchaser or purchasers, lessee or lessees, fail to complete said railway in the time contemplated by this act all their rights and interests in said rail road shall be null and void; and the same shall be forfeited to the state and be received into the state treasury and constitute a portion of the literary fund;

Which was lost;

And said bill was put on its final passage, and passed.

Ordered, That the title thereof be as stated.

Mr. Horne called from the table a bill to be entitled,

An act locating the seat of justice for the county of Hancock, and for other purposes.

On motion of Mr. Horne,

Said bill was placed on the orders of the day for to-morrow.

On motion of Mr. Labauve,

The senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, February 7, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Willburn presented the communication of John Balfour;

Which, on his motion,

Was referred to the committee on propositions and grievances.

Mr. Miles presented the following resolution, to-wit:

Resolved, That the auditor of public accounts be requested to furnish the senate with a statement showing the amount of the sinking fund that has been paid and that now stands to the credit of the holders of the Planters bank bonds;

Which was read and adopted.

Mr. Miles, from a select committee, reported a bill to be entitled,

An act for the relief of John B. Moore;

Which was read the first time.

Mr. Price, from a select committee, to whom had been referred the petition of Thomas Moore, late tax collector of Tippah county, returned said petition; and,

On motion,

Said report was received and agreed to;

And said petition was referred to the committee on claims.

Mr. Boone presented the claim of J. A. Ferguson; which,

On his motion,

Was referred to the committee on claims.

Mr. Price, from the committee on enrolled bills, made the following report. to-wit:

Mr. President—The joint standing committee on enrolled bills have examined,

An act to authorize foreign guardians to remove the property of their wards out of this state;

An act to incorporate the Fulton fire engine company, No. 3, of Vicksburg;

An act to legalize George W. Hicks;

An act to authorize the board of police of Tishemingo county to locate a poor house;

An act to repeal the second section of an act entitled an act to regulate the interest on the school fund, and for other purposes;

An act to incorporate the Phœnix engine company, No. 2, of Vicksburg;

An act for the relief of William Brown;

An act for the relief of Tillman Mitchell, late sheriff of Kemper county;

And have found the same correctly enrolled.

N. S. PRICE, Chairman.

Mr. Durr asked and obtained leave to the introduction of a bill to be entitled,

An act to incorporate the Marion Lodge, No. 62, in the town of Marion, Lauderdale county;

Which was read the first time.

On motion of Mr. Durr,

The constitutional rule was dispensed with,

And said bill was read the second time by tis title.

On the further motion of Mr. Durr,

The constitutional rule was further dispensed with,

And said bill considered as engrossed;

And read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

The following message was received from the house of representatives through Mr. Montgomery, to-wit:

Mr. President—The house of representatives have given leave to the introduction of bills of the following titles, viz:

A bill to be entitled,

An act requiring the liabilities of the president and directors of the rail road and turnpike company, in the counties of Newton and Lauderdale, with their securities, to be put in suit;

A bill to be entitled,

An act to provide for erecting a levee on the banks of the Mississippi river, in Warren county;

A bill to be entitled,

An act for the relief of C. A. Wade;

A bill to be entitled,

An act to authorize Nancy Gowan, administratrix, to transfer the administration of the estate of Meredith Gowan, deceased, from the probate court of Copiah county to the probate court of Simpson county;

A bill to be entitled,

An act to amend the laws of this state in relation to forcible and unlawful entry and detainer;

A bill to be entitled,

An act relative to the probate judge of Hinds county;

A bill to be entitled,

An act amendatory of an act to authorize appeals from the decisions of justices of the peace to the circuit courts, approved February 22, 1842;

A bill to be entitled,

An act to bring into one, the several acts relating to stays on executions emanating from justices courts, and for other purposes.

Mr. President—The speaker of the house of representatives has signed bills which originated in the house of representatives, of the following titles, to-wit:

An act to incorporate the Phœnix engine company, No. 2, of Vicksburg;

An act for the relief of William Brown;

An act to authorize the board of police of Tishemingo county to locate a poor house;

An act to authorize foreign guardians to remove the property of their wards out of this state;

An act for the relief of Tillman Mitchell, late sheriff of Kemper county;

An act to repeal the second section of an act entitled an act to regulate the interest on the school fund, and for other purposes;

An act to incorporate the Fulton fire engine company, No. 3, of Vicksburg;

An act to legalize George W. Hicks;

Which I am instructed to present to the senate for the signature of the president.

The president signed said bills.

Mr. Lumpkin, from a select committee, to whom had been referred a bill to be entitled,

An act to provide for allowance and payment of the claims of physicians for medical services rendered in certain cases,

Reported a bill to be entitled,

An act to provide for the allowance and payment of the claims of physicians for services rendered in certain cases, and for other purposes, in lieu of the first named bill.

The question was thereupon had on the reception of the bill of the last named title, as a substitute for the first named bill;

Which was decided in the affirmative.

Ordered, That said substitute be engrossed for a third reading on to-morrow.

On motion of Mr. Lumpkin,

The original bill was laid on the table.

Mr. Price, from a select committee, reported a bill to be entitled,

An act to authorize the sheriff of Tippah county to sell property in certain cases, in the town of Salem;

Which was read the first time.

Mr. Boone offered the following resolution, to-wit:

Resolved, That the committee on claims be authorized to hand to Doctor M. Wilson his claim referred to them for making maps of the Chickasaw school lands and the 500,000 acres donated by the general government, without their taking any action thereon;

Which was read, and adopted.

Mr. Pegues presented the claim of Charles G. Bullie, sheriff of Lafayette county; which,

On his motion,

Was referred to the committee on claims.

Mr. Johnson, from a select committee, reported a bill of the following title, to-wit:

A bill to be entitled,

An act for the relief of the estates of Thomas Hogg and William Peery, deceased;

Which was read the first time.

The senate proceeded to the consideration of the orders of the day.

A bill to be entitled,

An act to authorize the board of police of Marshall county to improve the Holly Springs and Pontotoc road;

Was read the second time.

A bill to be entitled,

An act locating the seat of justice for the county of Hancock, and for other purposes;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A resolution to amend the constitution of the state of Mississippi;

Was read the third time.

Mr. Adams offered the following amendment, to-wit:

In the ninth line of the first resolution, between the words 'county,' and 'equity,' insert, 'exclusive original';

Which was adopted.

The resolution, as amended, was put on its final passage, and lost.

The ayes and noes thereon, are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Beene, Dabney, Durr, Horne, Johnson, Lipscomb, Lumpkin, Labauve, Lansdale, Matthews, Pegues, Ramsay, Tillman, Williams and Willburn—18 votes.

Noes—Messrs. Acker, Booth, Boone, Dupree, Guion, Metcalf, Miles, Price, Stewart and Turner—10 votes.

On motion of Mr. Matthews,

The senate took a recess for ten minutes.

The recess having expired, the senate met.

Mr. Guion called for the consideration of a bill to be entitled,

An act to aid the citizens of Vicksburg in building a hospital, in the place of the one destroyed by fire;

Which was read the first time.

On motion of Mr. Guion,

The constitutional rule was dispensed with,

And said bill was read the second time.

On motion of Mr. Guion,

The rule was further dispensed with,

And said bill read the third time forthwith.

Mr. Matthews offered the following amendment, by way of ryder, to-wit:

Provided the city authorities of the city of Vicksburg shall appropriate the same amount towards said hospital;

Which was adopted;

And said bill, as amended, passed.

Ordered, That the title thereof be as stated.

Mr. Briscoe called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Booth, Boone, Dabney, Dupree, Guion, Hicks, Johnson, Lipscomb, Lumpkin, Lansdale, Metcalf, Matthews, Miles, Nicholson, Pegues, Price, Ramsay, Stewart, Tillman, Turner, Williams and Willburn—24 votes.

Noes—Messrs. Acker, Briscoe, Beene, Durr, Horne and Labauve—6 votes.

A bill to be entitled,

An act for the relief of George Holly, of Harrison county;

Was read the first time.

On motion of Mr. Boone,

The vote was re-considered, by which a resolution to amend the constitution of the state of Mississippi, was lost.

On motion of Mr. Adams,

The further consideration of said resolution was postponed until Wednesday next.

A bill to be entitled,

An act to repeal an act entitled an act to secure the collection of jury tax-fees, and for other purposes, approved February 24th, 1844;

Was read the second time.

On motion of Mr. Labauve,

The further consideration thereof was postponed until Wednesday next.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, viz:

Mr. President—The house of representatives have passed bills from the senate, of the following titles, to-wit

A bill to be entitled,

An act to change the name of Frances C. Jennison;

A bill te be entitled,

An act to preserve the records of the probate court of Lowndes county, Mississippi;

A bill to be entitled;

An act for the benefit of the sheriffs of Coahoma, Washington and Issaquena counties;

A bill to be entitled,

An act to authorize the removal of the slaves of the estate of Thomas Hardeman, of the state of Tennessee.

The house adhered to their amendment to the bill from the senate entitled,

An act to amend an act entitled an act to incorporate the Chuquatontia turnpike company.

Mr. President—The house of representatives have concurred in the amendment made by the senate to the house bill entitled,

An act to aid the citizens of Vicksburg in building a hospital, in place of the one destroyed by fire.

On motion of Mr. Labauve,

Bills of the following titles, in committee of the whole, were postponed until Wednesday next.

A bill to be entitled,

An act to provide for the construction of a levee on the Mississippi river, for the protection and improvement of the state lands;

A bill to be entitled,

An act to provide for the sale of the 500,000 acres of land donated the state of Mississippi, by an act of congress, approved 6th September, A. D., 1841, and for other purposes.

The senate resolved itself into committee of the whole, on a bill of the following title, to-wit:

A bill to be entitled,

An act to regulate the practice of the circuit courts of this state in certain cases;

And after some time spent therein, the committee rose; and,

Mr. Boone reported said bill back without amendment, and asked leave to be discharged.

On motion of Mr. Boone,

The report was received and agreed to;

And said bill was ordered to be engrossed for a third reading on Monday next.

The senate resolved itself into committee of the whole, on a bill to be entitled,

An act to provide for the call of a convention to change the constitution of the staie of Mississippi;

And after some time spent therein, the committee rose; and,

Mr. Lumpkin reported progress and asked leave to sit again on Thursday next.

On motion of Mr. Lumpkin,

The report was received and agreed to.

A bill to be entitled,

An act for the relief of the sheriff of Lauderdale county;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

Mr. Williams moved an adherement by the senate to the disagreement to the amendments made by the house of representatives to a bill from the senate to be entitled,

An act to amend an act entitled an act to incorporate the Chuquatontia turnpike company;

Which motion was laid on the table.

Mr. Adams offered the following resolution:

Resolved, (with the concurrence of the house of representatives,) That both houses of the legislature adjourn *sine die* on Saturday, the 28th instant;

Which was read the first time;

And by rule lies over one day.

Mr. Nicholson called from the table a bill to be entitled,

An act to define the powers of the county police of Covington and Pike counties, in relation to the three per cent. fund;

Which was read the second time.

On motion of Mr. Nicholson,

Said bill was ordered to be placed on the orders of the day for Monday next.

A bill to be entitled,

An act to cancel certain payments of taxes therein named, and to require the sheriff of Warren county to collect the same, and for other purposes;

Was read the second time.

On motion of Mr. Miles,

Said bill was ordered to be engrossed for a third reading on tomorrow.

A bill to be entitled,

An act to incorporate the town of Raleigh, in the county of Smith, and to repeal all the acts heretofore passed incorporating said town;

Was read the second time.

On motion of Mr. Adams,

Said bill was ordered to be engrossed for a third reading on to-morrow.

A resolution authorizing and instructing the commissioner of the town lot fund to credit H. O. G. Parker, &c.;

Was read the second time,

And ordered to be engrossed for a third reading on Monday next.

A bill to be entitled,

An act to incorporate Evening Star Lodge, No. 70, &c.;

Was read the second time,

And ordered to be engrossed for a third reading on Monday next.

Mr. Turner gave notice that he would, on Monday next, introduce a bill granting powers and privileges to the officers and trustees of religious, charitable and benevolent societies within this state.

A bill to be entitled,

An act to authorize and empower the governor to appoint a private secretary, &c;

Was read the second time,

And ordered to be engrossed for a third reading on Monday next.

A bill to be entitled,

An act for the relief of William S. Langley;

Was read the second time,

And ordered to be engrossed for a third reading on Monday next.

A bill to be entitled,

An act to amend the third section of an act regulating the leins of judgments and decrees, approved February 24th, 1844;

Was read the second time.

Mr. Booth offered the following amendment, to-wit:

Amend by striking out after 'but one defendant,' and insert, 'for each other defendant twenty-five cents;

Which was adopted;

And said bill, as amended, ordered to be engrossed for a third reading on Monday next.

A bill to be entitled,

An act to fix an apportionment of the senators and representatives of the state;

Was read the second time.

On motion of Mr. Adams,

Said bill was committed to the whole house,

And made the order of the day for Tuesday next, 11 o'clock, a. m.

Mr. Adams called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Booth, Durr, Horne, Hicks, Lansdale, Metcalf, Miles, Nicholson, Price, Ramsay, Stewart, Tillman and Turner—16 votes.

Noes—Messrs. Acker, Beene, Boone, Dabney, Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Pegues, Williams and Willburn—12 votes.

Mr. Adams presented the claim of William Cherry, sheriff of Jasper county; which,

On his motion,

Was referred to the committee on claims.

The president announced that he had received a communication from the auditor of public accounts, showing the amount of the sinking fund on deposite.

On motion of Mr. Labauve,

Said communication was referred to the committee on the judiciary.

On motion of Mr. Miles,

The senate adjourned until to-morrow morning, 10 o'clock.

MONDAY, FEBRUARY 9, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Acker presented the petition of Sundry citizens of the county of Monroe, in relation to the female academy in said county;

Which was read; and,

On motion of Mr. Acker,

Was laid on the table.

Mr. Turner presented the petition of sundry citizens of the county of Franklin, in relation to the improvement of the navigation of the Homochitto river.

On motion of Mr. Turner,

Said petition was referred to a select committee of three.

Messrs. Turner, Metcalf and Stewart were appointed said committee.

Mr. Durr, from a select committee, to whom had been referred the petition of M. A. Banks, reported that part of said petition relating to the warrant for fifty dollars back, and asked leave to be discharged from the further consideration thereof.

He also reported a bill of the following title, to-wit:

A bill to be entitled,

An act for the relief of M. A. Banks, of the county of Simpson;

Which was read the first time.

On motion of Mr. Durr,

The constitutional rule was dispensed with,

And said bill was read the second time by title.

On the further motion of Mr. Durr,

Said bill was ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Durr,

Said report, as to the state warrant for fifty dollars, was laid on the table.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, viz:

MR. PRESIDENT—The house of representatives have given leave to the introduction of bills of the following titles, viz:

A bill to be entitled,

An act to repeal an act to incorporate the town of Panola, in the county of Panola, approved January 27th, 1840;

A bill to be entitled,

An act to protect widows and orphans.

Mr. Miles asked and obtained leave to the introduction of a bill to be entitled,

An act to provide in part for the payment of the Planters bank bonds;

Which was read the first time.

Mr. Turner, pursuant to notice, asked leave to the introduction of a bill to be entitled,

An act granting certain powers and privileges to the officers and trustees of organized, religious, charitable and benevolent societies within this state;

Which was read the first time.

Mr. Adams called from the table a bill to be entitled,

An act reducing into one the different acts in relation to the state treasury;

Which was read the second time.

On motion of Mr. Adams,

Said bill was referred to the committee on accounts.

Mr. Adams presented the claim of W. P. Cheny; which,

On his motion,

Was referred to the committee on claims.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bills have examined,

An act to change the name of Frances C. Jennisson to that of Frances C. Sharkey;

An act to authorize the removal of the slaves of the estate of Thomas Hardeman to the state of Tennessee;

An act to preserve the records of the probate court of Lowndes county, Mississippi;

An act for the benefit of the sheriffs of Coahoma, Washington and Issaquena counties;

An act locating the seat of justice for the county of Hancock, and for other purposes;

An act to aid the citizens of Vicksburg in building a hospital, in place of the one destroyed by fire;

And have found the same correctly enrolled.

N. S. PRICE, chairman.

The senate proceeded to the consideration of the orders of the day.

A bill to be entitled,

An act for the relief of George Holly, of Harrison county;

Was read the second time.

On motion of Mr. Adams,

The orders of the day were suspended.

Mr. Adams called from the table the following resolution, to-wit:

Resolved, That the ministers of the gospel of the different denominations of christians within the city of Jackson be invited to alternate and attend on each day of the session of the senate and offer up prayers, provided such service shall be voluntary and gratuitous;

And the question was thereupon had on the adoption thereof;

Which was lost.

A bill to be entitled,

An act to authorize the board of police of Marshall county to improve the Holly Springs and Pontotoc road;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to incorporate the Grand Gulf Lodge, No 41, and for other purposes;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to incorporate Asylum Lodge, No. 63, of free and accepted masons, in the town of Woodville;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled, an act to authorize the taking of depositions in certain cases; was read the second time, and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act to repeal the law of leins upon judgments in justices courts, and for other purposes;

Was read the second time.

On motion of Mr. Matthews,

Said bill was committed to the whole house,

And made the order of the day for to-morrow.

A bill to be entitled,

An act to define the powers of the county police of Covington and Pike counties, in relation to the three per cent. fund;

Was read the second time, together with an amendment offered to said bill on a previous day;

And the question was thereupon had on the adoption of said amendment;

Which prevailed.

Mr. Dabney offered the following amendment, to-wit:

Amend by striking out 'Winston';

Which was adopted;

And said amendments were ordered to be engrossed for a third reading on to-morrow.

Mr. Horne asked and obtained leave to the introduction of a bill to be entitled,

An act to amend an act reducing the fees of certain officers therein named, approved February 10th, 1844, so far as relates to the county of Covington, Wayne, Jones, Clark, Green, Jackson, Harrison, Hancock, Perry and Marion;

Which was read the first time.

On motion of Mr. Horne,

The constitutional rule was dispensed with,

And said bill was read the second time by title.

On motion of Mr. Adams,

Said bill was committed to the whole house,

And made the order of the day for to-morrow.

Mr. Boone offered the following resolution, to-wit:

Resolved, That Mr. Lipscomb, and Mr. Williams be added to the committee on claims;

Which was read and adopted.

A bill to be entitled,

An act to regulate the practice of the circuit courts of this state in certain cases;

Was read the third time by title.

On motion of Mr. Briscoe,

Said bill was committed to the whole house,

And made the order of the day for Wednesday next.

Mr. Horne asked and obtained leave to the introduction of a memorial and resolutions to the congress of the United States of America, now in session;

Which was read the first time.

On motion of Mr. Horne,

The constitutional rule was dispensed with,

And said memorial and resolutions were read the second time by title.

Mr. Matthews offered the following amendment, to-wit:

Amend so as to include 'other public lands in Mississippi';

Which was adopted;

And said memorial and resolutions were ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act to amend the 3d section of an act regulating the leins of judgments and decrees, approved February 24th, 1844;

Was read the third time, and lost.

Mr. Matthews called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Acker, Beene Dabney, Durr, Horne, Hicks, Lipscomb, Matthews, Miles, Pegues, Ramsay and Willburn—14 votes.

Noes—Messrs. Briscoe, Booth, Boone, Dupree, Guion, Johnson, Lipscomb, Labauve, Lansdale, Metcalf, Nicholson, Price, Stewart, Turner and Williams—15 votes.

Mr. Labauve, from a select committee, reported a bill of the following title, and recommended its passage:

A bill to be entitled,

An act to define the duties of judges of the circuit courts and district attorneys of this state, in relation to continuances, change of venue, in criminal cases, and for other purposes;

Which was read the first time.

Mr. Labauve, from a select committee, to whom had been referred a bill to be entitled,

An act in relation to the reporter of the high court of errors and appeals, and various amendments thereto, reported the same back with an amendment.

On motion of Mr. Labauve,

The report was received, and the amendment agreed to.

Mr. Matthews moved to re-consider to vote agreeing to said amendment;

Which was lost.

Mr. Labauve moved to commit said bill and amendments to a committee of the whole house on to-morrow;

Which was lost.

The question was then had on the engrossment of the amendment, reported by the committee;

Which was decided in the negative.

Mr. Horne called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Adams, Acker, Beene, Boone, Dabney, Johnson, Lumpkin, Labauve, Matthews, Price and Willburn—11 votes.

Noes—Mr. President, Booth, Dupree, Durr, Guion, Horne, Hicks, Lipscomb, Lansdale, Metcalf, Miles, Nicholson, Pegues, Ramsay, Stewart, Turner and Williams—17 votes.

Mr. Guion raised the following point of order:

That an amendment adopted on a previous day had been laid on the table: that the laying the amendment on the table carried with it the whole bill: and, that the bill not having been called from the table, it is not *now* properly before the senate for consideration.

The chair decided against said point of order; the bill having been afterwards recommitted.

Mr. Guion appealed from the decision of the chair.

The question was then had:

Shall the decision of the chair stand?

Which was decided in the affirmative.

On motion of Mr. Boone,

Said bill, with the various amendments, was recommitted to the whole house, and made the order of the day for Thursday next.

Mr. Matthews asked and obtained leave to the introduction of a bill of the following title, to-wit:

A bill to be entitled,

An act to authorize the auditor of public accounts to remit the damages of thirty per cent., now required to be charged against defaulting tax collectors, in certain cases, and to repeal so much of the 34th section of an act entitled an act to reduce into one the several acts in relation to the revenue of this state, approved 24th

February, 1844, as authorizes the sheriffs to collect double taxes;

Which was read the first time.

Mr. Williams called from the table the motion entered on Saturday, of an adherement by the senate to the disagreement to the amendments made by the house of representatives to a bill from the senate to be entitled,

An act to amend an act entitled an act to incorporate the Chuquatontia turnpike company.

On motion of Mr. Williams,

The senate insist on their disagreement to said amendment, and ask a committee of conference.

A bill to be entitled,

An act to provide for the allowance and payment of physicians for services rendered in certain cases, and for other purposes;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

Mr. President—The house of representatives have passed a bill of the following title, viz:

A bill to be entitled,

An act to authorize the sale of lands belonging to the sinking fund, and for other purposes;

In which I am instructed to desire the concurrence of the senate.

Mr. President—The house of representatives have passed bills of the following titles, viz:

A bill to be entitled,

An act to legalize the test of writs of executions and other legal process in the seventh judicial district, and for other purposes;

A bill to be entitled,

An act authorizing the board of police of Issaquena county to levy a special tax for certain purposes therein mentioned;

A bill to be entitled,

An act to incorporate Washington Lodge, No. 2, of the Independent Order of Odd Fellows, in the city of Natchez;

In which I am instructed to desire the concurrence of the senate.

A bill to be entitled,

An act to incorporate Evening Star Lodge, No. 70, &c.;

Was read the third time and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act for the relief of William S. Langley;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A resolution authorizing and instructing the commissioner of the town lot fund to credit H. O. G. Parker;

Was read the third time; and,

On motion of Mr. Matthews,

Referred to the committee on claims.

On motion of Mr. Matthews,

The joint resolution fixing on Saturday, the 28th instant, for an adjournment, *sine die*, of the legislature;

Was laid on the table.

A bill to be entitled,

An act for the relief of John B. Moore;

Was read the second time; and,

On motion of Mr. Matthews,

Laid on the table.

A bill to be entitled,

An act for the relief of the estates of Thomas Hogg and William Peery, deceased;

Was read the second time;

And the question had on the engrossment thereof;

Which was lost.

Mr. Briscoe called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Briscoe, Johnson, Labauve, Lansdale, Price and Williams—6 votes.

Noes—Mr. President, Adams, Acker, Booth, Beene, Boone, Dabney, Dupree, Durr, Guion, Horne, Hicks, Lipscomb, Lumpkin, Metcalf, Miles, Matthews, Nicholson, Pegues, Ramsay, Stewart, Turner and Willburn—23 votes.

Mr. Guion called from the table a bill to be entitled,

An act for the relief of Elisha Fox;

Which was read the second time.

Mr. Guion offered the following amendment, to-wit:

Amend by adding, at the end of section one, the words, 'and

that the said Elisha is the legal assignee or representative of the interest of the original purchaser of said tract of land from the state, in and to the same';

Which was adopted;

And said amendment ordered to be engrossed for a third reading with said bill on to-morrow.

A bill to be entitled;

An act to authorize the sheriff of Tippah county to sell property in certain cases, in the town of Salem;

Was read the second time;

And ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act to cancel certain payments of taxes therein named, and to require the sheriff of Warren county to collect the same, and for other purposes;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to authorize and empower the governor to appoint a private secretary, &c.;

Was read the third time.

Mr. Labauve moved to lay said bill on the table;

Which was lost.

Mr. Matthews moved to commit said bill to the whole house, and make it the order of the day for to-morrow;

Which was lost;

And said bill was put on its passage, and carried.

Ordered, That the title thereof be as stated.

Mr. Acker called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Dupree, Guion, Horne, Johnson, Lipscomb, Lumpkin, Lansdale, Metcalf, Miles, Nicholson, Pegues, Ramsay, Stewart, Turner and Williams—18 votes.

Noes—Messrs. Acker, Booth, Beene, Boone, Dabney, Durr Hicks, Labauve, Matthews, Price and Willburn—11 votes.

On motion of Mr. Boone,

he consideration of resolutions of the following title was postponed until Wednesday next.

Resolutions in relation to the payment of the bonds of the state, issued and sold for stock in the Planters bank.

A bill to be entitled,

An act to incorporate the town of Raleigh, in the county of Smith, and to repeal the acts heretofore passed, incorporating said town;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill from the house of representatives to be entitled,

An act to legalize the test of writs of executions and other legal process in the 7th judicial district;

Was read the first time.

On motion of Mr. Lansdale,

The constitutional rule was dispensod with,

And said bill read the second time by title; and,

On the further motion of Mr. Lansdale,

Said bill was referred to the judiciary committee.

A bill to be entitled,

An act to incorporate Washington Lodge, No. 2, of Independent Order of Odd Fellows, in the city of Natchez;

Was read the first time.

A bill to be entitled,

An act authorizing the board of police of Issaquena county to levy a special tax for certain purposes therein mentioned;

Was read the first time.

On motion of Mr. Labauve,

The constitutional rule was dispensed with,

And said bill was read the second time by title; and,

On further motion of Mr. Labauve,

The rule was further dispensed with,

And said bill was read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to authorize the sale of lands belonging to the sinking fund, and for other purposes;

Was read the first time.

Mr. Boone offered the following resolution, to-wit:

Resolved, That the judiciary committee be instructed to bring

in a bill defining the duties of county surveyors, and fixing their fees, &c.;

Which was lost.

On motion of Mr. Williams,

The senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, February 10, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Messrs. Williams, Acker and Johnson, were appointed a committee of conference on the part of the senate, on a bill to be entitled,

An act to amend an act entitled an act to incorporate the Chuquatontia turnpike company.

Mr. Adams presented the petition of William D. Hathorn;

Which, on his motion,

Was referred to the committee on the judiciary.

The senate proceeded to the consideration of the orders of the day:

A bill to be entitled,

An act to incorporate Washington lodge number two, of the independent order of odd fellows, in the city of Natchez;

Was read the second time.

A bill to be entitled,

An act for the relief of Elisha Fox;

Was read the third time.

On motion of Mr. Guion,

Said bill was referred to a select committee of three.

Messrs. Guion, Stewart and Beene, were appointed said committee.

A bill to be entitled,

An act for the relief of George Holley, of Harrison county;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

The following message was received from the house of representatives, through Mr. Montgomery, their clerk, to-wit:

Mr. President—The house of representatives have given leave to the introduction of bills of the following titles, viz:

A bill to be entitled,

An act to define the duties of judges and district attornies in certain cases;

A bill to be entitled,

An act to provide for the erection of permanent school houses in the city of Jackson, and for other purposes.

A bill to be entitled,

An act to attach the county of Noxubee to the fourth judicial district of this state, and for other purposes;

A bill to be entitled,

An act to suppress riots, routs, and unlawful assemblies of the people;

A bill to be entitled,

An act to repeal the 8th section of an act entitled an act for the suppression of tippling houses, and to discourage and prevent the odious vice of drunkenness, approved February 9, 1839;

A bill to be entitled,

An act to define the powers of the county police of Covington and Pike counties, in relation to the three per cent fund;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act for the relief of M. A. Banks, of the county of Simpson;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A memorial to the Congress of the United States of America, now in session;

Was read the third time, and adopted.

A bill to be entitled,

An act to authorize the taking of depositions in criminal cases;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

Mr. Boone offered the following resolution, to-wit:

Resolved, The committee on finance be instructed to bring in a bill providing a standard of weights and measures in every county in this state, and report it as early as possible;

Which was read and adopted.

Mr. Turner presented the petition of Franklin E. Plummer, in relation to George Freeman Isler, a patient in the lunatic asylum of Lexington, Kentucky;

Which was read.

On motion of Mr. Turner,

Said petition, and accompanying documents, were referred to a select committee of three.

On motion of Mr. Lipscomb,

The vote appointing said committee was reconsidered, and,

On motion of Mr. Lipscomb,

Said petition, &c., was referred to the committee on the lunatic asylum.

Mr. Guion, from the judiciary committee, to whom was referred a bill to be entitled,

An act to legalize the test of writs, executions, and other legal process, in the 7th judicial district, and for other purposes;

Reported said bill back without amendment.

On motion of Mr. Guion,

The report was received.

Mr. Lansdale offered the following amendment, viz:

Amend by adding to the first section the following words, to-wit:

And be it further enacted, That all writs, executions, and other legal process, issued from the clerk's office in any of the counties of the 5th judicial district, whether tested in the name of the honorable Morgan L. Fitch, Robert C. Perry, or any other person as judge of said district, be and the same are hereby legalized;

Which was adopted.

On motion of Mr. Lansdale,

Said amendments were considered as engrossed,

And read the third time forthwith with said bill, passed.

Ordered, That the title thereof be as stated.

Mr. Miles, from the judiciary committee, reported a bill to be entitled,

An act to amend an act entitled an act to prescribe the mode of proceeding against incorporated banks for a violation of their corporate franchises, and against persons pretending to exercise corporate privileges under acts of incorporation, and for other purposes, approved 26th February, A. D. 1843;

Which was read the first time.

On motion of Mr. Miles,

The constitutional rule was dispensed with,

And said bill was read the second time by title.

And on the further motion of Mr. Miles,

Two hundred copies of said bill were ordered to be printed,

And said bill was committed to the whole house, and made the order of the day for Monday next.

Mr. Dabney, from a select committee to whom had been recommitted a bill to be entitled,

An act to change the time of holding the courts in the 5th judicial district, and for other purposes;

Reported back said bill with an amendment to the third section thereof, and also an additional amendment by striking out of said bill all that relates to the counties of Tippah, Tishemingo, Itawamba and Pontotoc.

On motion of Mr. Dabney,

The report was received and agreed to,

And said bill, as amended, was ordered to be engrossed for a third reading on to-morrow.

Mr. Lumpkin asked, and obtained leave, to the introduction of a bill to be entitled,

An act to incorporate the Locopolis rail road company;

Which was read the first time.

On motion of Mr. Lumpkin,

The constitutional rule was dispensed with,

And said bill was read the second time by title.

And on the further motion of Mr. Lumpkin,

The rule was further dispensed with,

And said bill was considered as engrossed,

And read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

Mr. Willburn, from a select committee, made the following report, to-wit:

Mr. President—The committee to whom was referred the communication of Thomas B. Ives, have had the same under consideration, and have instructed me to make the following report, to-wit:

That however unfortnate the connection of his name with the subject of the burnt warrants, and however that connection might seemingly implicate his character, upon as full, fair and minute an examination of the whole matter, as the nature of the case will admit of, the committee have no hesitation in arriving at the con-

clusion that the said Thomas B. Ives is blameless in the matter, and that he is not only free from blame or censure of any kind, but that his statement is true in letter and spirit, as was made evident to the committee by other and corroborating testimony adduced and examined by them; and that a gross fraud was intended to be perpetrated by Wade is evident, and admits of no doubt, but they conceive the whole blame rests upon Wade, who has with great art, in a manner indeed inexplicable to us, arranged the whole affair.

W. B. WILLBURN, chairman.

Which was received and agreed to, and the committee discharged.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

MR. PRESIDENT—The joint standing committee on enrolled bills, have this day presented to his excellency, the governor, bills of the following titles, for his approval:

An act for the benefit of the sheriffs of Coahoma, Washington and Issaquena counties;

An act to change the name of Frances D. Jennison to that of Frances D. Sharkey;

An act to preserve the records of the probate court of Lowndes county;

An act to authorize the removal of the slaves of the estate of Thomas Hardeman to the state of Tennessee;

An act to incorporate the president and trustees of the Aberdeen female academy, in the town of Aberdeen;

An act to establish an inferior court of chancery in the southern part of this state;

An act to amend an act entitled an act to reorganize the judicial districts of the State of Mississippi, approved February 3d, 1844;

An act amendatory of the laws for the relief of the poor;

An act to amend the revenue laws of this state;

An act to attach a portion of the county of Yazoo to the county of Warren;

An act to incorporate the Pontotoc male academy;

An act to incorporate the trustees of Zion seminary, in the county of Covington;

An act to incorporate the town of Chulahoma, in the county of Marshall;

An act to change the time of holding the probate court in the county of Newton;

An act to authorize and empower the clerk of the circuit court of the county of Hinds, to transcribe certain books therein mentioned, and for other purposes;

An act to prohibit the police court of Sunflower county from levying a special tax, except in certain cases herein provided;

An act to amend an act approved on the 23d day of February, 1844, altering and amending the act incorporating the town of Houston, in the county of Chickasaw;

An act to establish the county seat of Washington county.

N. S. PRICE, Chairman.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, viz:

MR. PRESIDENT—The house of representatives have passed a bill from the senate, of the following title, to-wit:

A bill to be entitled,

An act to regulate and define the relation of master and apprentices;

And have made sundry amendments thereto.

They have passed a bill to be entitled,

An act in relation to the probate judge of Hinds county;

In all of which I am instructed to desire the concurrence of the senate.

The speaker of the house of representatives has signed bills which originated in the house, of the following titles, viz:

An act to aid the citizens of Vicksburg in building a hospital in place of the one destroyed by fire;

An act locating the seat of justice for the county of Hancock, and for other purposes;

Which I am instructed to present to the senate for the signature of the president.

A bill to be entitled,

An act to authorize the sale of lands belonging to the sinking fund, and for other purposes;

Was read the second time.

The senate resolved itself into committee of the whole, on a bill to be entitled,

An act to fix an apportionment of senators and representatives in this state;

And after some time spent therein, the committee rose, and

Mr. Briscoe reported back said bill without amendment.

On motion of Mr. Briscoe,

The report was received.

Mr. Horne offered the following amendment, to-wit:

Strike out from enacting clause, and insert the following:

That the following shall be the apportionment of representatives in the legislature of this state at the next biennial and all future sessions thereof, to-wit:

One representative from each county now established by law.

Sec. 2. *Be it further enacted*, That the following shall be the apportionment of senators in the legislature of said state, to-wit:

The counties of Jackson, Green, Harrison, Perry, Hancock, Marion, Jones and Covington, one senator.

The counties of Wayne, Clark, Jasper and Lauderdale, one senator.

The counties of Winston, Scott, Rankin, Smith and Simpson, one senator.

The counties of Pike, Amite and Wilkinson, one senator.

The counties of Lawrence, Franklin, Adams and Jefferson, one senator.

The counties of Copiah, Claiborne and Warren, one senator.

The counties of Hinds and Madison, one senator.

The counties of Yazoo, Attala and Holmes, one senator.

The counties of Carroll, Sunflower, Bolivar, Washington, Tallahatchie, Coahoma and Issaquena, one senator.

The counties of Desoto, Tunica and Ponola, one senator.

The counties of Leake, Neshoba and Kemper, one senator.

The counties of Oktibbeha, Winston and Noxubee, one senator.

The counties of Lowndes and Monroe, one senator.

The counties of Choctaw and Chickasaw, one senator.

The counties of Yallobusha and Lafayette, one senator.

The county of Marshall, one senator.

The county of Tippah, one senator.

The counties of Pontotoc and Itawamba, one senator.

And the county of Tishemingo, one senator.

Sec. 3. *Be it further enacted*, That at the next general election representatives shall be elected pursuant to this act, and in every senatorial district constituted by this act, differently from the present arrangement of senatorial districts, as constituted by the act of apportionment of representatives and senators in this state, approved February 6th, 1841, there shall be elected a senator for four years; the whole number so elected at the next regular session of the legislature, shall be divided by lot from their respective districts, into two classes, as nearly equal as may be, one of which, including those remaining in office under this section, who were elected in November, 1845, shall vacate their seats at the end of two years, and the other class at the end of four years, from the next general election.

Sec. 4. *Be it further enacted*, That all laws conflicting with the provisions of this act, be and the same are hereby repealed.

Mr. Horne moved to commit said bill, and the amendment, to a select committee of five.

Mr. Lansdale moved an adjournment until to-morrow morning, 10 o'clock;

Which was lost.

On motion of Mr. Price,

The senate took a recess till half after 3 o'clock, p. m.

HALF PAST THREE O'CLOCK.

The recess having expired, the senate met.

Mr. Lansdale moved an adjournment till to-morrow morning, 10 o'clock;

Which was lost.

The senate resumed the consideration of the question on the motion to commit the bill, and the amendment, to the bill to be entitled;

An act to fix an apportionment of senators and representatives in this state,

To a select committee of five;

Which prevailed.

Mr. Stewart called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Dupree, Durr, Guion, Horne, Hicks, Lansdale, Metcalf, Miles, Nicholson, Ramsay, Stewart, Tillman and Turner—16 votes.

Noes—Messrs. Acker, Booth, Beene, Boone, Dabney, Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Pegues, Price, Williams and Willburn—14 votes.

On motion of Mr. Labauve,

The appointment of said committee was chosen by ballot.

On motion of Mr. Miles,

Said election was conducted *viva voce.*

Mr. Lansdale nominated Mr. Horne as chairman of said committee.

Mr. Price nominated Mr. Matthews.

The secretary of the senate proceeded to call the roll, when upon the first ballot, the vote stood as follows, to-wit:

Mr. Horne received	- -	14 votes.
" Matthews "	- - -	14 "
" Boone "	- -	1 "

Those who voted for Mr. Horne are,

Mr. President, Adams, Briscoe, Dupree, Durr, Guion, Lansdale, Metcalf, Miles, Nicholson, Ramsay, Stewart, Tillman and Turner—14 votes.

Those who voted for Mr. Matthews are,

Messrs. Acker, Booth, Beene, Boone, Dabney, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Pegues, Price, Williams and Willburn—14 votes.

Those who voted for Mr. Boone, are,

Mr. Matthews—1 vote.

Mr. Horne was excused from voting.

Whereupon the president announced that inasmuch as neither of the gentlemen voted for had received a plurality of the votes given, there was no election.

Whereupon the secretary of the senate proceeded to call the roll, and the vote upon the second ballot stood as follows, to-wit:

Mr. Horne received		15 votes.
" Matthews	"	13 "
" Turner	"	2 "

Those who voted for Mr. Matthews, are,

Messrs. Acker, Booth, Beene, Boone, Dabney, Johnson, Lips-

comb, Lumpkin, Labauve, Pegues, Price, Williams and Willburn —13 votes.

Those who voted for Mr. Horne, are,

Mr. President, Adams, Briscoe, Dupree Durr, Guion, Hicks, Lansdale, Metcalf, Miles, Nicholson, Ramsay, Stewart, Tillman and Turner—15 votes.

Those who voted for Mr. Turner, are,

Messrs. Horne and Matthews—2 votes.

Whereupon the president announced that inasmuch as Mr. Horne had received a plurality of the votes given for any one gentleman, he was duly elected chairman of said committee.

On motion of Mr. Lansdale,

Messrs. Stewart, Turner, Matthews and Lumpkin were appointed as the remainder of said committee.

Mr. Matthews offered the following resolution, to-wit:

Resolved, That the select committee, to whom was referred the apportionment bill, be instructed to report a bill providing for the apportionment of one hundred representatives among the several counties of this state, and that each county pay its own representatives by special tax;

Which was lost.

Mr. Guion called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Acker, Beene, Boone, Dabney, Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Pegues, Price, Williams and Willburn—13 votes.

Noes—Mr. President, Adams, Briscoe, Booth, Dupree, Durr, Guion, Horne, Hicks, Lansdale, Metcalf, Miles, Nicholson, Ramsay, Stewart and Tillman—16 votes.

Mr. Adams presented the claim of Dill and Delay;

Which was referred to the committee on claims.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

Mr. President—The house of representatives have passed bills from the senate, of the following titles, viz:

A bill to be entitled,

An act to incorporate the Grand Gulf Lodge, No. 41, and for other purposes;

A bill to be entitled,

An act to incorporate Asylum Lodge, No. 63, of free and accepted masons, in the town of Woodville;

A bill to be entitled,

An act to incorporate Marion Lodge, No. 62, in the town of Marion, Lauderdale county.

Mr. President—The house of representatives have passed a memorial and resolutions from the senate, of the following title, viz:

A memorial and resolutions of the legislature of the state of Mississippi to the congress of the United States, now in session.

They have also passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act for the relief of the sheriff of Lauderdale connty;

And have made an amendment thereto;

In which I am instructed to desire the concurrence of the senate.

The house have concurred in the amendment made by the senate, by way of ryder, to the house bill entitled,

An act to define the powers of the county police of Covington and Pike counties in relation to the three per cent. fund.

The house have also concurred in the amendments made by the senate to the house bill entitled,

An act to legalize the test of writs, executions and other legal process, in the seventh judicial district, and for other purposes.

Mr. President—The house of representatives have passed a bill from the senate, of the following title, viz:

A bill to be entitled,

An act to incorporate the town of Raleigh, in the county of Smith; and to repeal the acts heretofore passed incorporating said town.

On motion of Mr. Miles,

The senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, FEBRUARY 11, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Guion, from the judiciary committee, made the following report, to-wit:

MR. PRESIDENT—The committee on the judiciary, who were, by resolution, instructed to enquire into the expediency of making provision by law to remedy the injuries and losses sustained by the county or citizens thereof, by reason of the burning of the court house of Simpson county, and the records of the several courts of said county, on the night of the 10th of November, 1844, have had the subject under consideration, and have instructed me to report that they have been unable to devise any remedy for the injuries complained of. Your committee would gladly have prepared and recommended the passage of a bill for the relief of the citizens of Simpson county from the consequences of the fire, by which their records have been consumed, if any practicable measure, not already provided by law, had suggested itself; but after mature consideration of the subject, they were constrained to come to the conclusion that no better remedy could be provided than that which the general provisions of the law supply in all such cases. They therefore, ask to be discharged from the further consideration of the subject;

Which was received and agreed to.

Mr. Guion, from the judiciary committee, made the following report, to-wit:

MR. PRESIDENT—The committee on the judiciary, to whom was referred a communication from the auditor of public accounts, stating the amount of the sinking fund which has been paid into the treasury, have instructed me to report, that they are at a loss to conceive the object of the reference, as it was not accompanied by any instructions, to return said communication to the senate, and ask to be discharged from its further consideration;

Which was read; and,

On motion of Mr. Guion,

Received and agreed to.

Mr. Guion, from the judiciary committee, made the following report, viz:

Mr. President—The committee on the judiciary, to whom was referred the petition of citizens of Rankin county, praying the passage of a law authorizing the clerk of said Rankin court to procure suitable books for the safe-keeping of the aforesaid records, &c., have had the same under consideration and have instructed me to report that ample provision is already made by law for the accomplishment of the object of the petitioners. Your committee consider special legislation on the subject unnecessary, and beg to be discharged from its further consideration;

Which was received; and,

On motion of Mr. Guion,

Agreed to.

Mr. Metcalf presented the petition of the members of the medical convention; which,

On his motion,

Was referred to a select committee of three, with instructions to report by bill or otherwise.

Messrs. Metcalf, Lipscomb and Williams were appointed said committee.

Mr. Adams asked and obtained leave to the introduction of a bill to be entitled,

An act to incorporate Vanatta Lodge, No. 68, of free and accepted masons, in the town of Raleigh in Smith county;

Which was read the first time.

On motion of Mr. Adams,

The constitutional rule was dispensed with,

And said bill was read the second time by title.

On motion of Mr. Adams,

Said bill was ordered to be engrossed for a third reading on to-morrow.

The following message was received from the house of representatives, through their clerk, Mr. Montgomery, viz:

Mr. President—The speaker of the house of representatives has signed bills which originated in the house, of the following titles, viz:

An act to define the powers of the county police of Covington and Pike counties in relation to the three per cent. fund;

An act authorizing the board of police of Issaquena county to levy a special tax for certain purposes therein mentioned;

An act to authorize the board of police of Marshall county to improve the Holly Springs and Pontotoc road;

An act for the relief of George Holly, of Harrison county;

An act to legalize the test of all writs, executions and other legal process, in the seventh judicial district of this state, and for other purposes;

Which I am instructed to present to the senate for the signature of the president.

The house have passed bills of the following titles, viz:

A bill to be entitled,

An act to incorporate the Holmesville Lodge, No. 69, of free and accepted masons, in the county of Pike;

A bill to be entitled,

An act to incorporate the town of Paulding, in Jasper county;

In which I am instructed to desire the concurrence of the senate.

The president signed the bills in said message mentioned.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

MR. PRESIDENT—The house of representatives have passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act to relinquish the claims of the state, by escheat, to the estate of William Alfred Cottingham, deceased, in favor of certain persons therein named;

With the senate's amendment thereto.

The house have concurred in the joint resolution of the senate, appointing a committee of conference of three on the part of the senate, and —— on the part of the house, on the bill of the senate entitled,

An act to amend an act entitled an act to incorporate the Chuquatontia turnpike company;

And have appointed on the part of the house, Messrs. Cannon, Moore, Dilworth of Monroe, Guy and Cypert.

They have given leave to the introduction of a bill of the following title, to-wit:

A bill to be entitled,

An act for the relief of William Wing.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bills have examined,

An act to define the powers of the county police of Covington and Pike counties in relation to the three per cent fund;

An act to authorize the board of police of Marshall county to improve the Holly Springs and Pontotoc road;

An act to legalize the test of all writs, executions and other legal process, in the seventh judicial district of this state, and for other purposes;

An act authorizing the board of police of Issaquena county to levy a special tax for certain purposes therein mentioned;

An act for the relief of George Holly, of Harrison county;

An act to incorporate Asylum Lodge, No. 63, of free and accepted masons, in the town of Woodville;

And have found the same correctly enrolled.

The following message was received from his excellency, the governor, through his private secretary, to-wit:

Mr. President—His excellency, the governor, has this day approved and signed bills which originated in the senate, of the following titles, to-wit:

An act to amend the revenue laws of this state;

An act amendatory of the laws for the relief of the poor;

An act for the benefit of the sheriffs of Coahoma, Washington and Issaquena counties;

An act to attach a portion of the county of Yazoo, to the county of Warren;

An act to amend an act entitled an act to re-organize the judicial districts of the state of Mississippi, approved February 3rd, 1844;

An act to preserve the records of the probate court of Lowndes county, Mississippi;

An act to incorporate the president and trustees of the Aberdeen female academy, in the town of Aberdeen;

An act to change the name of Frances C. Jennison to that of Frances C. Sharkey;

An act to authorize the removal of the slaves of the estate of Thomas Hardeman to the state of Tennessee.

Approved February 11th, 1846.

On motion of Mr. Lipscomb,

The amendments made by the house of representatives to a bill from the senate to be entitled,

An act to regulate and define the relation of masters and apprentices;

Were concurred in.

On motion of Mr. Durr,

The senate concurred in the amendment made by the house of representatives to a bill from the senate to be entitled,

An act for the relief of the sheriff of Lauderdale county;

A bill to be entitled,

An act in relation to the probate judge of Hinds county;

Was read the first time.

The senate proceeded to the consideration of the orders of the day.

A bill to be entitled,

An act to incorporate Washington Lodge, No. 2, of the Independent Order of Odd Fellows;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

Mr. Boone asked and obtained leave to the introduction of a bill to be entitled,

An act to define the duties of county surveyors in the state, and to fix their fees;

Which was read the first time.

On motion of Mr. Boone,

The constitutional rule was suspended,

And said bill was read the second time by title.

On the further motion of Mr. Boone,

Said bill was referred to a select committee of three.

Messrs. Boone, Lansdale and Horne were appointed said committee.

Mr. Briscoe asked and obtained leave for the introduction of a bill to be entitled,

An act for the benefit of the children of William Martin, of Claiborne county;

Which was read the first time.

On motion of Mr. Briscoe,

The constitutional rule was dispensed with,

And said bill was read the second time; and,

On further motion of Mr. Briscoe,

Said bill was ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act to authorize the sale of lands belonging to the sinking fund, and for other purposes;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

The senate resolved itself into a committee of the whole, on a bill to be entitled,

An act reducing the fees of certain officers therein named, approved February 10th, 1844, so far as relates to the county of Covington, Wayne, Jones, Clark, Green, Jackson, Harrison, Hancock, Perry and Marion;

And after some time spent therein, the committee rose; and,

Mr. Durr reported said bill back with an amendment.

On motion of Mr. Durr,

The report was received and agreed to.

Mr. Labauve offered the following amendment, to-wit:

Add the counties of 'Tunica, Bolivar and Coahoma';

Mr. Guion offered the following amendment, to-wit:

Add the county of 'Warren.'

And the question was had on the adoption of the amendment to the amendment;

Which was adopted.

The question was then had on the adoption of the amendment as amended;

Which was adopted.

Mr. Adams offered the following amendment, to-wit:

Add the counties of 'Jasper, Newton, Scott and Smith.'

Mr. Stewart offered the following amendment to the amendment, to-wit:

Amend by adding the counties of 'Wilkinson and Adams.'

The question was had on the adoption of the amendment to the amendment;

Which was adopted.

The question was had on the adoption of the amendment as amended;

Which was lost.

Mr. Dupree offered the following amendment, to-wit:

Add the county of 'Hinds;'

Which was lost.

Mr. Turner offered the following amendment, to-wit:

Amend by adding the words, 'Franklin and Jefferson.'

Mr. Lansdale offered the following amendment to the amendment, to-wit:

Add the county of 'Holmes.'

The question was had upon the adoption of the amendment to the amendment;

Which was lost.

The question was then had on the adoption of the amendment as amended;

Which was adopted.

Mr. Boone offered the following amendment, to-wit:

Amend by adding the following proviso to

Sec. —— *Provided*, That no greater fees than are now allowed by law, shall be received for the collection of taxes, or doing other state buseness;

Which was adopted.

On motion of Mr. Adams,

Said bill was re-committed to the whole house,

And made the order of the day for to-morrow.

The senate resolved itself into committee of the whole on a bill to be entitled,

An act to repeal the law of leins upon judgments in justices courts, and for other purposes;

And after some time spent therein, the committee rose; and,

Mr. Willburn reported said bill back with sundry amendments.

On motion of Mr. Willburn,

The report was received and agreed to;

And said bill, as amended, was ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act to authorize the sheriff of Tippah county to sell property in certain cases in the town of Salem;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to incorporate the Holmesville Lodge, No. 69, of free and accepted masons, in the county of Pike;

Was read the first time.

On motion of Mr. Nicholson,

The constitutional rule was dispensed with,

And said bill was read the second time by title.

On the further motion of Mr. Boone,

The rule was further dispensed with,

And said bill read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to incorporate the town of Paulding, in Jasper county;

Was read the first time.

On motion of Mr. Horne,

The constitutional rule was dispensed with,

And said bill was read the second time by title.

On the further motion of Mr. Adams,

The constitutional rule was further dispensed with,

And said bill was read the third time forthwith by title, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to incorporate and establish the town of Yazoo city, and for revising and repealing all laws and parts of laws heretofore enacted on that subject;

Was read the third time by its title.

On motion of Mr. Miles,

The vote ordering said bill to be read the third time by title, was re-considered;

And said bill was read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

Mr. Turner offered the following resolution, to-wit:

Resolved, (with the concurrence of the house of representatives,) That an enrolled bill entitled, 'an act to establish an inferior court of chancery in the southern part of this state,' be cor-

rected by striking out the word 'not,' in the 5th line of the 20th section, the same having been inserted by a mistake;

Which was read.

On motion of Mr. Turner,

The rule was dispensed with,

And said resolution read the second time forthwith, and adopted.

Mr. Matthews presented the petition of Robert Josselyn; which,

On his motion,

Was referred to a select committee of three.

Messrs. Matthews Pegues and Turner were appointed said committee.

Mr. Dupree called from the table a bill to be entitled,

An act to authorize the mayor and aldermen of the city of Jackson to erect a bridge across Pearl river, and for other purposes.

On motion of Mr. Adams,

Said bill was committed to the whole house;

And made the order of the day for to-morrow.

A bill to be entitled,

An act to authorize the auditor of public accounts to remit the damages of 30 per cent., now required to be charged against defaulting tax collectors in certain cases, and to repeal so much of the 34th section of an act entitled an act to reduce into one the several acts in relation to the revenue law of this state, approved 24th February, 1844, as authorizes the sheriffs to collect double taxes;

Was read the second time.

On motion of Mr. Adams,

Said bill was committed to the whole house,

And made the order of the day for to-morrow.

A bill to be entitled,

An act to define the duties of judges of the circuit courts and district attorneys of this state, in relation to continuances, change of venue in criminal cases, and for other purposes;

Was read the second time.

On motion of Mr. Beene,

Said bill was committed to the whole house,

And made the order of the day for to-morrow.

A bill to be entitled,

An act granting certain powers and privileges to the officers and trustees of organized, religious, charitable and benevolent societies within this state,

Was read the second time.

On motion of Mr. Turner,

Said bill was ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act to provide, in part, for the payment of the Planters bank bonds;

Was read the second time.

On motion of Mr. Miles,

Said bill was committed to the whole house,

And made the order of the day for Monday next.

A bill to be entitled,

An act to repeal an act entitled an act to secure the collection of jury tax-fees, and for other purposes, approved February 24th, 1844;

Was read the second time.

Mr. Lansdale offered the following amendment, to-wit:

That so much only of said law be repealed as allows defendants to bid or become the purchaser, either directly or indirectly, of any judgments against them;

Which was lost;

And said bill was ordered to be engrossed for a third raading on to-morrow.

Mr. Matthews called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Acker, Beene, Durr, Horne, Hicks, Lipscomb, Lansdale, Matthews, Nicholson, Pegues, Ramsay, Turner and Willburn—15 votes.

Noes—Messrs. Briscoe, Boone, Dabney, Dupree, Guion, Lumpkin, Labauve, Metcalf, Miles, Price, Stewart, Tillman and Williams—13 votes.

Mr. Booth was excused from voting.

The senate resolved itself into committee of the whole, on a bill to be entitled,

An act to regulate the practice of the circuit courts of this state in certain cases;

And after some time spent therein, the committee rose; and,

Mr. Horne reported progress, and asked leave to sit again on Saturday next.

On motion of Mr. Horne,

The report was received and agreed to.

The senate resolved itself into committee of the whole, on a bill to be entitled,

An act prescribing the mode of collecting costs in certain cases, and for other purposes;

And after some time spent therein, the committee rose; and,

Mr. Boone reported said bill back without amendment.

On motion of Mr. Boone,

The report was received and agreed to.

Mr. Guion called for the ayes and noes upon agreeing to said report, which are as follows, to-wit:

Ayes—Messrs. Adams, Acker, Briscoe, Beene, Boone, Dabney, Durr, Horne, Hicks, Johnson, Lipscomb, Labauve, Matthews, Pegues, Price, Tillman and Willburn—17 votes.

Noes—Mr. President, Booth, Dupree, Guion, Lumpkin, Lansdale, Metcalf, Miles, Nicholson, Ramsay, Stewart, Turner and Williams—13 votes.

And said bill was read the third time, and passed.

Ordered, That the title thereof be as stated.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Adams, Acker, Briscoe, Beene, Boone, Dabney, Durr, Horne, Hicks, Johnson, Lipscomb, Labauve, Matthews, Pegues, Price, Tillman and Willburn—17 votes.

Noes—Mr. President, Booth, Dupree, Guion, Lumpkin, Lansdale, Metcalf, Miles, Nicholson, Ramsay, Stewart, Turner and Williams—13 votes.

The senate refused to resolve itself into committee of the whole, on resolutions to amend the constitution of the state of Mississippi.

On motion of Mr. Dupree,

The senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, February 12, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Price asked and obtained leave to the introduction of a bill to be entitled,

An act to repeal the fifth section of an act entitled an act for the more perfect organization of the superior court of chancery;

Which was read the first time.

On motion of Mr. Price,

The constitutional rule was dispensed with,

And said bill was read the second time by title.

On the further motion of Mr. Price,

Said bill was referred to the judiciary committee.

Mr. Price was called to the chair.

Mr. Swann asked and obtained leave to the introduction of a bill to be entitled,

An act for the relief of Oakland college;

Which was read the first time.

On motion of Mr. Swann,

The constitutional rule was dispensed with,

And said bill was read the second time by title.

On motion of Mr. Pegues,

Said bill was referred to the committee on the seminary fund.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to wit:

Mr. President—The house of representatives have passed bills of the following titles, viz:

A bill to be entitled,

An act requiring the liabilities of the president and directors of the rail road and turnpike company, in the counties of Newton and Lauderdale, with their securities, to be put in suit;

In which they desire the concurrence of the senate.

The house have concurred in the joint resolution of the senate, to strike out the word 'not,' in the 5th line of the 20th section of the enrolled bill, to be entitled, 'an act to establish an inferior court of chancery in the southern part of this state.'

The house have passed bills from the senate of the following titles, viz:

A bill to be entitled,

An act to amend an act entitled an act to amend an act entitled an act to make valid and confirm the last will and testament of William Wall of Monroe county, deceased, approved July 26th, 1843;

A bill to be entitled, an act to provide for an additional justice of the peace in the district of Holmesville;

A bill to be entitled,

An act for the relief of David McCaleb, of Claiborne county;

A bill to be entitled,

An act to authorize the transcribing into suitable books the records of Smith county.

They have also passed bills which originated in the house of representatives, of the following titles, viz:

A bill to be entitled,

An act for the relief of A. J. Blackburn, M. D.;

A bill to be entitled,

An act to repeal an act to prohibit the introduction of slaves into this state as merchandize or for sale, approved May 13th, 1837;

A bill to be entitled,

An act to reduce the per diem allowance of members of the boad of police, probate judges and probate clerks of certain counties therein named;

A bill to be entitled,

An act to incorporate the town of Enterprize, in Clarke county;

A bill to be entitled,

An act to authorize the commissioner of the sinking fund to make compromises with the debtors thereof;

A bill to be entitled,

An act for the relief of widows and orphans, and for other purposes;

A bill to be entitled,

An act to change the time of holding the probate court of Franklin county;

A bill to be entitled,

An act to repeal the 4th section of an act entitled an act to amend an act to incorporate the town of Grenada, in Yalobusha county, and for other purposes;

A bill to be entitled,

An act to declare Mikes or Fishing river, in the county of Hancock, a navigable stream;

A bill to be entitled,

An act to authorize the board of police of Green county to levy special taxes, and for other purposes;

A bill to be entitled,

An act to change the name of Susanna Westly House, and for other purposes;

They have also passed bills of the following titles, viz:

A bill to be entitled,

An act to authorize the courts to tax prosecutors with costs, in certain cases;

A bill to be entitled,

An act to incorporate the town of Greensboro, in Choctaw county, and to repeal all acts incorporating the same;

A bill to be entitled,

An act to authorize the governor of the state of Mississippi to appoint commissioners in other states;

A bill to be entitled,

An act to establish the seat of justice in Issaquena county;

A bill to be entitled,

An act to amend the charter of incorpoation of the town of Port Gibson;

In all of which I am instructed to desire the concurrence of the senate.

They have passed a bill from the senate, of the following title, viz:

A bill to be entitled,

An act providing for the purchase of the book called North on Probate Courts;

And have made an amendment thereto;

In which they desire the concurrence of the senate.

The senate took up said message.

On motion of Mr. Turner,

The senate concurred in the amendment made by the house of representatives to a bill from the senate to be entitled,

An act providing for the purchase of the book called North on Probate Courts.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bills have examined bills of the following titles:

An act to incorporate the town of Raleigh, in the county of Smith, and to repeal the acts heretofore passed incorporating said town;

An act to relinquish the claim of the state, by escheat, to the estate of William Alfred Cottingham, deceased, in favor of certain persons therein named;

An act for the relief of the sheriff of Lauderdale county;

An act to incorporate Marion Lodge, No. 62, in the town of Marion, Lauderdale county;

An act to incorporate the Grand Gulf Lodge, No. 41, of free and accepted masons;

Also, memorial and resolutions of the Legislature of the state of Mississippi to the congress of the United States, now in session;

An act to authorize the sale of lands belonging to the sinking fund, and for other purposes;

An act to incorporate the town of Paulding, in Jasper county;

An act to incorporate the Holmesville Lodge, No. 9, of free and accepted masons, in the county of Pike;

An act to incorporate Washington Lodge, No. 2, of the Independent Order of Odd Fellows, in the city of Natchez;

And have found the same correctly enrolled.

NATH'L S. PRICE, Chairman.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bills have presented to his excellency, the governor, a bill entitled,

An act to establish an inferior court of chancery in the southern part of this state, with the amendment made to the same by the senate and house of representatives, for his approval.

Mr. Adams offered the following resolution, to-wit:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the bastardy law as to declare what court has jurisdiction over the subject;

Which was read and adopted.

Mr. Miles asked and obtained leave to the introduction of a bill to be entitled,

An act authorizing John B. Nevitt, Wm. St. John Elliott and P. H. McGraw commissioners to raise twenty thousand dollars by lotttery;

Which was read the first time.

Mr. Lipscomb asked and obtained leave to the introduction of a bill to be entitled,

An act to establish volunteer companies for the more efficient military organization of of this state;

Which was read the first time.

On motion of Mr. Lipscomb,

The constitutional rule was dispensed with,

And said bill was read the second time by title.

On the further motion of Mr. Lipscomb,

Said bill was referred to a select committee of three.

Messrs. Guion, Stewart and Lipscomb were appointed said committee.

The president resumed his chair.

Mr. Guion asked and obtained leave to the introduction of a bill to be entitled,

An act to establish volunteer companies in this state;

Which was read the first time.

On motion of Mr. Guion,

The constitutional rule was suspended,

And said bill was read the second time by title.

On the further motion of Mr. Guion,

Said bill was referred to the same committee as the previous bill introduced to-day upon the same subject.

The following message was received from his excellency, the governor, through his private secretary, to-wit:

Mr. President—His excellency, the governor, has this day approved and signed a bill which originated in the senate, of the following title:

An act to establish an inferior court of chancery in the southern part of this state.

Approved 12th February, 1846.

Mr. Booth, from a select committee, reported a bill to be entitled,

An act for the relief of John Huffman, of the county of Carroll;

Which was read the first time.

Mr. Turner asked and obtained leave to the introduction of a bill to be entitled,

An act supplementary to an act entitled an act to establish an inferior court of chancery in the southern part of this state;

Which was read the first time.

The senate proceeded to the consideration of the orders of the day.

A bill to be entitled,

An act in relation to the probate judge of Hinds county;

Was read the second time.

On motion of Mr. Dupree,

The constitutional rule was dispensed with,

And said bill was read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An to change the time of holding the circuit courts in the fifth judicial district in this state, and for other purposes;

Was read the third time.

Mr. Guion offered the following amendment to the title, to-wit:

Strike out '5th' and insert '3rd';

Which was adopted:

And said bill, as amended, passed.

Ordered, That the title thereof be as stated.

A bill to be entitled;

An act granting certain powers and privileges to the officers and trustees of organized, religious, charitable and benevolent societies within this state;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to repeal an act entitled an act to secure the collection of jury tax-fees, and for other purposes, approved February 24th, 1844;

Was before the senate for a third reading.

On motion of Mr. Miles,

The consideration of said bill was postponed 'till to-morrow.

A bill to be entitled,

An act to incorporate the Vanatta Lodge, No. 68, of free and accepted masons, in the town of Raleigh, in Smith county;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act for the benefit of the children of William Martin, of Claiborne county;

Was read the third time and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to repeal the law of leins upon judgments in justices courts, and for other purposes;

Was read the third time,

Mr. Miles offered the following amendment, by way of ryder, to-wit:

Sec. —— *Be it further enacted*, That this act shall only be construed as affecting the rights of parties under judgments in justices courts;

Which was adopted;

And said bill, as amended, passed.

Ordered, That the title thereof be as stated.

Mr. Horne, from a select committee, made the following report, to-wit:

Mr. President—The majority of the select committee, to whom was referred the bill for the apportionment of the representatives and senators in this state, and the proposed amendment thereto, have had the same under consideration, together with the other members of the committee, with an ardent desire on the part of the majority to adjust the important subject of the reference conformably with the true principles of the constitution and the interests of the whole state. They regret to report that there is no hope of a concurrence in the committee on either plan submitted, or any intermediate ground between them; they therefore beg leave to report back the bill, a corrected amendment to the senate, and to recommend the adoption of the amendment referred, as a measure called for by considerations of economy, both of time and money, and a just regard to both the elements of representation, fixed by the constitution; and to ask that they may be discharged from the further consideration of the subject respectfully submitted;

Which was received.

Mr. Briscoe moved to postpone said report, bill and amendment to Saturday next, in committee of the whole;

Which was lost.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Dupree, Durr, Guion, Horne, Metcalf, Miles, Nicholson, Ramsay, Stewart, Tillman and Turner—14 votes.

Noes—Messrs. Acker, Booth, Beene, Boone, Dabney, Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Pegues, Price, Williams and Willburn—14 votes.

Mr. Briscoe moved to discharge the report of said committee.

Mr. Labauve raised a point of order on said motion.

The chair decided said motion to be out of order.

Mr. Labauve appealed from the decision of the chair.

The senate sustained the appeal, and decided the motion to be out of order.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Adams, Briscoe, Dupree, Durr, Guion, Horne, Metcalf, Miles, Nicholson, Ramsay, Stewart, Tillman and Turner—13 votes.

Noes—Messrs. Acker, Booth, Beene, Boone, Dabney, Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Pegues, Price, Williams and Willburn—14 votes.

Mr. Labauve moved to agree to said report;

Which was lost.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Dupree, Durr, Guion, Horne, Metcalf, Miles, Nicholson, Ramsay, Stewart, Tillman and Turner—14 votes.

Noes—Messrs. Acker, Booth, Beene, Boone, Dabney, Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Pegues, Price, Williams and Willburn—14 votes.

Mr. Labauve moved to lay said report on the table;

Which was lost.

Mr. Labauve called for the ayes and noes thereon, which are ss follows, to-wit:

Ayes—Messrs. Acker, Booth, Beene, Boone, Dabney, Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Pegues, Price, Williams and Willburn—14 votes.

Noes—Mr. President, Adams, Briscoe, Dupree, Durr, Guion, Horne, Metcalf, Miles, Nicholson, Ramsay, Stewart, Tillman and Turner—14 votes.

On motion of Mr. Labauve,

The vote refusing to agree to said report was reconsidered;

And the question was had on agreeing to said report;

And decided in the affirmative.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Dupree, Durr, Guion, Horne, Lansdale, Metcalf, Miles, Nicholson, Ramsay, Stewart, Tillman and Turner—15 votes.

Noes—Messrs. Acker, Booth, Beene, Boone, Dabney; Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Pegues, Price, Williams and Willburn—14 votes.

Mr. Booth moved an adjournment until 10 o'clock to-morrow morning;

Which was lost.

On motion of Mr. Miles,

Said report, bill and amendment was committed to the whole house, and made the order of the day for to-morrow.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Dupree, Durr, Guion, Horne, Lansdale, Metcalf, Miles, Nicholson, Ramsay, Stewart, Tillman and Turner—15 votes.

Noes, Messrs. Acker, Booth, Beene, Boone, Dabney, Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Pegues, Price, Williams and Willburn—14 votes.

Mr. Briscoe moved an adjournment until 10 o'clock to-morrow morning;

Which was lost.

Mr. Boone called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Adams, Briscoe, Booth, Dupree, Durr, Guion, Lansdale, Metcalf, Miles, Nicholson, Price, Ramsay, Tillman and Williams—14 votes.

Noes—Mr. President, Acker, Beene, Boone, Dabney, Horne, Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Pegues, Stewart, Turner and Willburn—15 votes.

Mr. Boone, from a select committee, to whom had been referred a bill to be entitled,

An act to define the duties of county surveyors, and fixing their fees;

Reported said bill back with an amendment;

Which was agreed to;

And said bill, as amended, ordered to be engrossed for a third reading on to-morrow.

Mr. Willburn asked and obtained leave to the introduction of a bill to be entitled,

An act declaring Bayou Tippah a navigable stream;

Was read the first time.

On motion of Mr. Willburn,

The constitutional rule was dispensed with,

And said bill was read the second time by title;

And ordered to be engrossed for a third reading on to-morrow.

Mr. Williams asked and obtained leave to the introduction of a bill to be entitled,

An act to divide the 45th regiment of Mississippi militia;

Which was read the first time.

On motion of Mr. Williams,

The constitutional rule was dispensed with,

And said bill read the second time by title.

On the further motion of Mr. Williams,

The rule was further dispensed with,

And said bill was considered as engrossed,

And read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

Mr. Acker offered the following resolution, to-wit:

Resolved, (the house of representatives concurring,) That both houses adjourn, *sine die*, on Saturday, the 14th instant;

Which was read the first time.

Mr. Labauve moved to suspend the rule, and read said resolution the second time forthwith;

Which was lost.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Acker, Booth, Beene, Boone, Dabney, Johnson, Lipscomb, Lumpkin, Labauve, Lansdale, Matthews, Pegues and Willburn—13 votes.

Noes—Mr. President, Adams, Briscoe, Dupree, Durr, Guion, Horne, Metcalf, Ramsay, Stewart, Tillman, Turner and Williams —13 votes.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

Mr. President—The house of representatives have adopted the following joint resolution, viz:

Resolved, (the senate concurring,) That the bill to be entitled, an act to establish volunteer companies, for the more efficient military organization of this state, be referred to a joint select committee of five on the part of the house, and —— on the part of the senate, and have appointed, on the part of the house, Messrs. Sharkey, Harris, Smiley, Abbott and Metcalf.

They have passed bills of the following titles, viz:

A bill to be entitled,

An act to amend the several acts incorporating the town of Salem, in the county of Tippah;

A bill to be entitled,

An act for the relief of H. F. Bennett;

In all of which I am instructed to desire the concurrence of the senate.

Mr. President—The speaker of the house of representatives has signed bills, which originated in the house, of the following titles, viz:

An act to incorporate Washington Lodge, No. 2, of the Independent Order of Odd Fellows, in the city of Natchez;

An act to incorporate the Holmesville Lodge, No. 69, of free and accepted masons, in the county of Pike;

An act to incorporate the town of Paulding in Jasper county;

An act to authorize the sale of lands belonging to the sinking fund, and for other purposes;

Which I am instructed to present to the senate for the signature of the president.

The house have passed a bill of the following title, to-wit:

A bill to be entitled,

An act to incorporate Naomi Lodge, No. 17, of the Independent Order of Odd Fellows;

In which they desire the concurrence of the senate.

The president signed the bills in said message mentioned.

On motion of Mr. Lumpkin,

The senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, FEBRUARY 13, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Lansdale presented the petition of sundry citizens of the town of Lexington, in Holmes county, accompanied with a bill to be entitled,

An act to incorporate the Lexington library and debating society;

Which was read the first time.

On motion of Mr. Lansdale,

The constitutional rule was suspended,

And said bill was read the second time by title.

On further motion of Mr. Lansdale,

The rule was further dispensed with,

And said bill was considered as engrossed,

And read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

On motion of Mr. Lansdale,

The petition was laid on the table.

Mr. Williams, from a select committee, made the following report, to-wit:

MR. PRESIDENT—The joint select committee, acting as a committee of conference, to whom was referred the existing differences between the two houses, in relation to a house amendment to a bill from the senate entitled, an act to amend an act entitled an act to incorporate the Chuquatontia turnpike company, have had the same under consideration, and recommend that the house recede from its amendment, and that the bill do pass. All of which is respectfully submitted;

Which was received and agreed to.

Mr. Durr, from the standing committee on propositions and grievances, to whom was referred the communication of Joseph A. Ferguson, reported that the legislature ought not to interfere, and that the present laws are sufficient to remedy the grievances asked for by said Ferguson, and asked to be discharged from the further consideration thereof;

Which was received and agreed to.

Mr. Guion presented the communication of Richard Calvitt, a slave;

Which was read.

On motion of Mr. Adams,

Said communication was laid on the table.

Mr. Miles asked and obtained leave to the introduction of a bill to be entitled,

An act to organize the counties of Harrison, Sunflower and Issaquena, and for other purposes;

Which was read the first time.

On motion of Mr. Miles,

The constitutional rule was suspended,

And said bill was read the second time by title.

On motion of Mr. Miles,

Said bill was referred to the same select committee, apppointed upon yesterday, on a bill to be entitled,

An act to establish volunteer companies in this state.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bills have examined bills of the following titles:

An act prescribing the mode of collecting costs in certain cases, and for other purposes;

An act in relation to the probate judge of Hinds county;

An act to authorize the transcribing into suitable books the records of Smith county;

An act for the relief of David McCaleb, of Claiborne county;

An act to provide for an additional justice of the peace in the district of Holmesville;

An act to regulate and define the relation of master and apprentices;

And found the same correctly enrolled.

Mr. President—The joint standing committee on enrolled bills have this day presented to his excellency, the governor, for his approval and signature, bills of the following titles:

An act to incorporate Asylum Lodge, No. 63, of free and accepted masons, in the town of Woodville;

An act authorizing the board of police of Issaquena county to levy a special tax for certain purposes therein mentioned;

An act to define the powers of the county police of Covington and Pike counties in relation to the three per cent. fund;

An act to authorize the board of police of Marshall county to improve the Holly Springs and Pontotoc road;

An act locating the seat of justice for the county of Hancock, and for other purposes;

An act to legalize George W. Hicks;

An act for the relief of George Holly, of Harrison county;

An act to incorporate the Phœnix engine company, No. 2, of Vicksburg;

An act to incorporate the Fulton fire engine company, No. 3, of Vicksburg;

An act to authorize the board of police of Tishomingo county to locate a poor house;

An act for the relief of William Brown;

An act to authorize foreign guardians to remove the property of their wards out of this state;

An act for the relief of Tillman Mitchell, late sheriff of Kemper county;

An act to aid the citizens of Vicksburg in building a hospital, in place of the one destroyed by fire;

An act to repeal the second section of an act entitled an act to regulate the interest on the school fund, and for other purposes;

An act to legalize the test of all writs, executions and other legal process in the seventh judicial district of this state, and for other purposes.

Mr. Metcalf, from a select committee, reported a bill to be entitled,

An act to establish, at the city of Jackson, a vaccine depot and agency for the state, with a view to the prevention of small pox;

Which was read the first time.

On motion of Mr. Williams,

The constitutional rule was dispensed with,

And said bill was read the second time by title; and,

On the further motion of Mr. Williams,

Said bill was ordered to be engrossed for a third reading on to-morrow.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. President—The speaker of the house of representatives has signed bills which originated in the house of representatives, of the following titles, viz:

An act prescribing the mode of collecting costs in certain cases, and for other purposes;

An act in relation to the probate judge of Hinds county;

Which I am instructed to present to the senate for the signature of the president.

The house of representatives have passed bills of the following titles, viz:

A bill to be entitled,

An act to remove the civil disabilities of James Z. George, minor, of Carroll county;

A bill to be entitled,

An act for the benefit of Thomas G Hill, a minor;

In which I am instructed to desire the concurrence of the senate.

Mr. President—The house of representatives have given leave to the introduction of bills of the following titles, viz:

A bill to be entitled,

An act to provide for the selection of grand juries, and for other purposes;

A bill to be entitled,

An act to amend the 21st section of an act entitled an act to amend and reduce into one the several acts in relation to the revenue laws of this state, and for other purposes;

A bill to be entitled,

An act for the relief of Franklin Crow;

A preamble and resolutions instructing the auditor of public accounts, in relation to the bill passed at this session of the legislature, entitled,

An act for the benefit of William Morris;

A bill to be entitled,

An act to grant Isham Daniel a charter for a ferry across Pearl river, in Leake county.

Mr. President—The house of representatives have agreed to the report of the committee of conference appointed by the two houses to adjust the difference between them in relation to the bill to incorporate the Chuquatontia turnpike company. Said committee recommending that the house recede from its amendment.

The president signed the bills in said message mentioned.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, viz:

Mr. President—The house of representatives have passed bills from the senate of the following titles, viz:

A bill to be entitled,

An act for the relief of M. A. Banks, of the county of Simpson;

A bill to be entitled,

An act to cancel certain payments of taxes therein named, and to require the sheriff of Warren county to collect the same, and for other purposes.

The senate took up the messages received from the house of representatives.

A bill to be entitled,

An act requiring the liabilities of the president and directors of the rail road and turnpike company, in the counties of Newton and Lauderdale, with their securities, to be put in suit.

Was read the first time.

On motion of Mr. Horne,

The constitutional rule was suspended,

And said bill was read the second time by title.

On motion of Mr. Dabney,

Said bill was referred to a select committee of three.

Messrs. Dabney, Horne and Williams were appointed said committee.

A bill to be entitled,

An act to change the name of Susanna Westly House, and for other purposes;

Was read the first time.

On motion of Mr. Boone,

The constitutional rule was suspended,

And said bill was read the second time by title.

On further motion,

The rule was further suspended,

And said bill was read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

Mr. Matthews, from a select committee, made the following report, to-wit:

Mr. President—The undersigned, a minority of the committee

to whom was referred a bill to apportion senators and representatives among the several counties of this state, with the proposed amendment thereto, regret the necessity by which they are compelled to dissent from the report of the majority. The minority are deeply impressed with a sense of the vast importance of the subject referred to them—a subject affecting, vitally, the dearest rights of freemen, and upon the proper and constitutional adjustment of which depends the harmony and peace of our citizens, if not the very existence of our republican institutions. The first enquiry which presents itself to our mind is: What are the true subjects of representation? Are they territory, barren wastes, or property? We think none of these—but that the only proper subjects of representation are freemen. In the language of the constitution we hold "that all freemen, when they form a social compact, are equal in rights: that all political power is inherent in the people: that all free governments are founded on their authority and established for their benefit;" consequently, in making an apportionment of representatives the legislature are bound, by a regard to the great principles here avowed and which form the basis of republican government, to give to the different portions of the state a representation as nearly equal, in proportion to their population, as can be done under the constitution.

The constitution provides that the legislature shall, at periods of not less than four nor more than six years, cause an enumeration to be made of all the free white inhabitants of this state, and that the whole number of representatives shall be apportioned among the several counties, cities and towns, entitled to separate representation, according to the number of free white inhabitants in each; the number to be not less than thirty-six nor more than one hundred, provided, however, that each county shall always be entitled to at least one representative.

It also provides that the legislature shall establish a *ratio*, and for the disposition of *residuums* in the several counties, cities, and towns. From the foregoing provisions of the constitution, it is obvious that *population* was designed to be the *first*, and *territory* only a secondary consideration in apportioning representation; but the amendment reported by the majority of the committee, abandons the first great and fundamental principle and object of the constitution, and adopts only the secondary design, which was intended

only to secure to each county a voice in the legislature. By the amendment of the majority, cities and towns entitled to, under the constitution, separate representation, are disfranchised and denied a constitutional right. If territory, and not population, were designed to be the basis of representation, why did the framers of the constitution base it upon *"free white population?"* Why do they authorize an apportionment of representation? If each county is to have only one representative, why authorize the legislature to establish a *ratio* of representation? Why provide that the residuum of one county shall be given to another, by which the representation of the latter should be increased? If a discretion was intended to be given the legislature on this subject, to make territory the basis of representation, why does the constitution say "they *shall* apportion among the several counties, representatives according to the number of free white inhabitants in each?" This constitutional injunction is imperative; and with all due deference to the opinion of the majority of the committee, we must be permitted to declare our conviction that the amendment reported by them, giving one member only to each county, regardless of its population, if adopted by the legislature, would be a most flagrant violation of both the letter and spirit of the constitution—revolutionary in its character—utterly subversive of our republican institutions, and inflicting an outrage upon the constitutional rights of the people of Mississippi. In order to show the enormity of the principles involved in the amendment of the majority of the committee, we will remark that it gives to 30 counties, with a white population of 58,245, 30 representatives, while the remaining 29 counties, with a white population of 183,443, would have but 29 representatives.—Again, we find that 16 counties, with a white population of 124,480, which is considerably over one-half of the entire white population of the State, would have but 16 representatives, while the remaining minority would have 43 representatives; and 16 counties, with a population of 18,977, would have the same representation as the 124,480. Is this equality of rights? Is this an apportionment of representation according to free white population? Shall we shock common sense and insult the understanding, by pretending that such a proposition is in conformity with the constitution, which we are all sworn to support? Another objection which we have to the proposition of the majority of the committee is, that it makes

the Senate a body elected for four years, the popular or representative branch of the legislature, and makes the members of the House of Representatives, the mere representatives of territory or property. And what, let us enquire, is the object of this departure from the beaten track in which all our republican predecessors have trod? Is it to save the pitiful sum of a few thousand dollars, at the expense of disfranchising nearly two hundred thousand freemen of their dearest and most sacred constitutional rights? Can it be that for the sake of retaining power in the hands of a small minority, the great mass of the freemen of this State shall be made vassals—their voice in the councils of the State stifled—our republican institutions prostrated, and our constitutional compact dissolved? For the attainment of these objects, shall the fraternal ties which have heretofore bound us together, be broken, and a spirit of discord and alienation of feeling engendered which will outlive the present generation? We trust not. We hope that Mississippians will still maintain inviolate the sacred principles of the constitution, and that in performing the high trust committed to our hands, ever mindful of the rights of our fellow-citizens in every portion of the State, we will, as nearly as possible, under our constitution, give each freeman in the State, whether he may reside in the *North*, *South*, East, or West, an equal voice in the administration of that government, upon which depends the protection of his property, his reputation, and his life. With this view of the subject, the undersigned most solemnly protest against the adoption of the amendment reported by the majority, and recommend the passage of the original bill. All of which is respectfully submitted.

J. W. MATTHEWS,
J. W. LUMPKIN.

Which was received.

On motion of Mr. Dabney,

Five hundred copies of said report was ordered to be printed.

On motion of Mr. Matthews,

Said report was laid on the table.

A bill to be entitled,

An act to authorize the board of police of Green county to levy special taxes, and for other purposes;

Was read the first time.

On motion of Mr. Ramsay,

The constitutional rule was suspended,
And said bill read the second time by title.
On motion of Mr. Ramsay,
The rule was further suspended,
And said bill was read the third time forthwith, and passed.
Ordered, That the title thereof be as stated.

A bill to be entitled,
An act to declare Mikes or Fishing river, in the county of Hancock, a navigable stream;
Was read the first time.
On motion of Mr. Ramsay,
The constitutional rule was dispensed with,
And said bill read the second time.
On motion of Mr. Ramsay,
The rule was further dispensed with,
And said bill read the third time forthwith, and passed.
Ordered, That the title thereof be as stated.

A bill to be entitled,
An act to repeal the 4th section of an act entitled an act to amend an act to incorporate the town of Grenada, in Yalobusha county, and for other purposes;
Was read the first time.
On motion of Mr. Willburn,
The constitutional rule was dispensed with,
And said bill read the second time by title.
On the further motion of Mr. Willburn,
The rule was further dispensed with,
And said bill was read the third time forthwith, and passed.
Ordered, That the title thereof be as stated.

A bill to be entitled,
An act to change the time of holding the probate court of Franklin county;
Was read the first time.
On motion of Mr. Turner,
The constitutional rule was dispensed with,
And said bill read the second time by title.
On the further motion of Mr. Turner,
The rule was further dispensed with,
And said bill read the third time forthwith, and passed.

Ordered, That the title thereof be as stated:

A bill to be entitled,

An act for the relief of widows and orphans, and for other purposes;

Was read the first time.

On motion of Mr. Boone,

The constitutional rule was dispensed with,

And said bill read the second time.

On the further motion of Mr. Boone,

The rule was further dispensed with,

And said bill read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to authorize the commissioner of the sinking fund to make compromises with the debtors thereof;

Was read the first time.

A bill to be entitled,

An act to incorporate the town of Enterprise, in Clark county;

Was read the first time.

On motion of Mr. Adams,

The constitutional rule was dispensed with,

And said bill read the second time by title.

On the further motion of Mr. Adams,

The rule was further dispensed with,

And said bill read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to repeal an act to prohibit the introduction of slaves into this state as merchandize or for sale, approved May 13th, 1837;

Was read the first time.

On motion of Mr. Lansdale,

The constitutional rule was dispensed with,

And said bill read the second time.

Mr. Lipscomb offered the following amendment, to-wit:

Sec. 2. *Be it further enacted*, That the several district attorneys in this state, shall be authorized, and are hereby required to dismiss all prosecutions which may have been instituted against any individual or individuals for a violation of the provisions of

the above recited act, on the payment by the defendant or defendants of all costs which may have accrued thereon;

Which was adopted;

And said amendment ordered to be engrossed, with said bill, for a third reading on to-morrow.

Mr. Lansdale moved to consider said amendment as engrossed, and read the bill and amendment the third time forthwith;

Which was lost.

A bill to be entitled,

An act for the relief of A. J. Blackburn, M. D.;

Was read the first time.

On motion of Mr. Nicholson,

The constitutional rule was dispensed with,

And said bill was read the second time by title.

A bill to be entitled,

An act to amend the charter of incorporation of the town of Port Gibson;

Was read the first time.

On motion of Mr. Briscoe,

The constitutional rule was dispensed with,

And said bill read the second time by title.

On motion of Mr. Guion,

The rule was further dispensed with,

And said bill read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to establish the seat of justice in Issaquena county;

Was read the first time.

On motion,

The constitutional rule was dispensed with,

And said bill read the second time by title.

On further motion,

The rule was further dispensed with,

And said bill read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to authorize the Governor of the state of Mississippi to appoint commissioners in other states;

Was read the first time.

A bill to be entitled,

An act to incorporate the town of Greensboro, in Choctaw county, and to repeal all other acts incorporating the same;

Was read the first time,

On motion of Mr. Johnson,

The constitutional rule was suspended,

And said bill was read the second time by title.

On the further motion of Mr. Johnson,

The rule was further dispensed with,

And said bill was read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to reduce the per diem allowance of members of the board of police, probate judges and probate clerks of certain counties therein;

Was read the first time.

On motion of Mr. Price,

The constitutional rule was dispensed with,

And said bill was read the second time by title,

On motion,

Said bill was committed to the whole house,

And made the order of the day for Monday next.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to wit:

Mr. President—The house of representatives have passed a bill of the following title, viz:

A bill to be entitled,

An act to secure to the owners of slaves, executed by sentence of law, compensation for the same;

In which they desire the concurrence of the senate.

The senate took up said bill;

Which was read the first time.

On motion of Mr. Guion,

The constitutional rule was suspended,

And said bill was read the second time by title.

On further motion of Mr. Guion,

The rule was dispensed with,

And said bill was read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to authorize the courts to tax prosecutors with costs in certain cases;

Was read the first time.

A bill to be entitled,

An act for the relief of H. F. Bennett;

Was read the first time.

On motion of Mr. Labauve,

Said bill was laid on the table.

A bill to be entitled,

An act to amend the several acts incorporating the town of Salem, in the county of Tippah;

Was read the first time.

A bill to be entitled,

An act to remove the civil disabilities of James Z. George, minor, of Carroll county;

Was read the first time.

A bill to be entitled,

An act to incorporate Marion Lodge, No. 17, of the Independent Order of Odd Fellows;

Was read the first time.

On motion of Mr. Metcalf,

The constitutional rule was suspended,

And said bill was read the second time by title.

On further motion,

The rule was further dispensed with,

And said bill was read the third time forthwith, and passed.

Ordered, That that the title thereof be as stated.

Mr. Durr asked and obtained leave to the introductionof a bill to be entitled,

An act limiting the tenure of certain officers therein named;

Which was read the first time.

Mr. Briscoe asked and obtained leave to the introduction of a bill to be entitled,

An act to repeal an act entitled an act to prescribe the mode of proceeding against incorporated banks, for a violation of their corporate franchises, and against persons pretending to exercise corporate privileges under acts of incorporation, and for other purposes, approved July 26th, A. D., 1843;

Which was read the first time.

Mr. Turner asked and obtained leave to the introduction of a bill to be entitled,

An act for the benefit of Richard M. Johnson;

Which was read the first time.

On motion of Mr. Turner,

The constitutional rule was dispensed with,

And said bill read the second time.

On motion of Mr. Turner,

Said bill was referred to the committee on the judiciary.

On motion of Mr. Labauve,

The regular orders of the day were suspended, in order to take up a bill to be entitled,

An act to fix an apportionment of senators and representatives in this state.

On motion of Mr. Williams,

The consideration of said bill, in committee of the whole, was postponed until Monday next.

Mr. Briscoe called from the table a bill to be entitled,

An act to amend the constitution of the state of Mississippi;

Which was read.

Mr. Miles offered the following amendment, to-wit:

Amend by adding, to the first section, 'except for purposes of liquidation';

Which was adopted.

Mr. Briscoe called for the ayes and noes on the adoption of said amendment, which are as follows, to-wit:

Ayes—Messrs. Booth, Boone, Dupree, Guion, Horne, Lipscomb, Lunpkin, Lansdale, Metcalf, Matthews, Miles, Nicholson, Pegues, Ramsay, Stewart, Turner, Williams and Willburn—18 votes.

Noes—Mr. President, Acker, Adams, Briscoe, Beene, Dabney, Johnson, Labauve, Price and Tillman—10 votes.

Mr. Lansdale offered the following amendment, to-wit:

Amend by striking out the word 'banks' in the third line from the bottom;

Which was lost.

On motion of Mr. Briscoe,

Said bill, as amended, was ordered to be engrossed for a third reading on to-morrow.

Mr. Guion called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Booth, Beene, Horne, Johnson, Lumpkin, Labauve, Matthews, Miles, Pegues, Price, Ramsay, Stewart, Tillman, Williams and Willburn—18 votes.

Noes—Messrs. Acker, Boone, Dabney, Dupree, Guion, Lipscomb, Lansdale, Metcalf, Nicholson and Turner—10 votes.

On motion of Mr. Lansdale,

Resolutions to amend the constitution of the state of Mississippi, in committee of the whole, were postponed until Monday next.

Mr. Lansdale called from the table a bill to be entitled,

An act to repeal all laws prohibiting judges from leaving the state;

Which was read the second time.

Mr. Lansdale moved the engrossment of said bill;

Which was lost.

A bill to be entitled,

An act for the benefit of Thomas G. Hill, a minor;

Was read the first time.

On motion of Mr. Williams,

The senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, February 14, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Nicholson presented the petition of sundry inhabitants of Pike county, in relation to the Holmesville turnpike company;

Which was read.

On motion of Mr. Nicholson,

Said petition was referred to a select committee of three.

Messrs. Nicholson, Fox and Stewart were appointed said committee.

Mr. Lansdale, from the standing committee on accounts, to whom had been referred a bill to be entitled,

An act reducing into one the different acts in relation to the state treasury, reported back the bill without amendment, and recommended the passage of said bill;

Which was read.

On motion of Mr. Boone,

Said bill was referred to the judiciary committee.

Mr. Fox asked and obtained leave to the introduction of a bill to be entitled,

An act to authorize the renewal of suits or judgments at law, by *sciri facias*, and in equity by bill of reviver, in certain cases;

Which was read the first time.

On motion of Mr. Fox,

The constitutional rule was suspended,

And said bill was read the second time by title.

On motion of Mr. Fox,

Said bill was referred to the judiciary dommittee.

The following message was received from the house of representatives through Mr. Montgomery, their clerk:

Mr. President—The house of representatives have passed a bill of the following title, viz:

A bill to be entitled,

An act to authorize the governor of this state to exchange all laws, reports and legislative documents, printed by order of the legislature of this state, for those published in other states.

They have also adopted a memorial to the congress of the United States, in relation to removing obstructions between the Missippi river and the Gulf.

They have also passed a bill from the senate, of the following title, viz:

A bill to be entitled,

An act for the relief of William S. Bailey;

And have made sundry amendments thereto.

They have also passed a memorial from the senate to the congress of the United States, in relation to the public lands near the Pearl river.

The following message was received from his excellency, the governor, through his private secretary, to-wit:

Mr. President—His excellency, the governor, has this day

approved and signed a bill which originated in the senate, of the following title:

An act to incorporate Asylum Lodge, No. 63, of free and accepted masons, in the town of Woodville;

February 13th, 1846.

Mr. Price, from the committee on enrolled bills, made the following report, viz:

Mr. President—The joint standing committee on enrolled bills have examined bills of the following titles:

An act to declare Mikes or Fishing river, in the county of Hancock, a navigable stream;

An act for the relief of widows and orphans, and for other purposes;

An act to repeal the fourth section of an act entitled an act to amend an act to incorporate the town of Grenada in Yalobusha county, and for other purposes;

An act to change the name of Susanna Westly House, and for other purposes;

An act to secure the owners of slaves, executed by sentence of law, compensation for the same;

An act to authorize the board of police of Green county to levy special taxes; and for other purposes;

An act to establish the seat of justice in Issaquena county;

An act to change the time of holding the probate court of Franklin county;

An act to incorporate the town of Enterprise, in Clark county;

An act to incorporate the town of Greensboro, in Choctaw county, and to repeal all other acts incorporating the same;

An act to incorporate Naomi Lodge, No. 17, of the Independent Order of Odd Fellows;

An act to amend the charter of incorporation of the town of Port Gibson;

An act to amend an act entitled an act to amend an act entitled an act to make valid and confirm the last will and testament of William Wall, of Monroe county, deceased, approved July 26th, 1843;

An act to cancel certain payments of taxes therein named, and to require the sheriff of Warren county to collect the same, and for other purposes;

An act for the relief of M. A. Banks, of the county of Simpson;

An act providing for the purchase of the book called 'North on Probate Courts';

An act to amend an act entitled an act to incorporate the Chuquatontia turnpike company;

And have found the same correctly enrolled.

NATH'L S. PRICE, Chairman.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, viz:

MR. PRESIDENT—The house of representatives have passed a bill from the senate, of the following title:

A bill to be entitled,

An act to authorize the police court of Claiborne county to erect toll bridges;

And have made sundry amendments thereto.

They have passed bills of the following titles, viz:

A bill to be entitled,

An act for the relief of James White;

A bill to be entitled,

An act supplemental to an act to repeal certain laws in relation to the road hands in Honey Island, in Holmes county, approved February 5th, 1841;

In all of which I am instructed to desire the concurrence of the senate.

On motion of Mr. Stewart,

A bill to be entitled,

An act to establish a system of common schools, and for other purposes;

Was called from the table.

The senate forthwith resolved itself into committee of the whole, on a printed bill;

And after some time spent therein, the committee rose; and,

Mr. Miles reported said bill back with sundry amendments.

On motion of Mr. Miles,

The report was received.

Mr. Guion offered the following amendment, to-wit:

Amend by adding, to the 7th section, the following proviso:

Provided, That the cities of Natchez, Vicksburg and Yazoo

city are excepted from the operation of this section, so far as relates to fines, forfeitures and amercements for selling vinous and spirituous liquors, and licenses for retailing the same;

Which was adopted.

The question was had on the adoption of the following amendment, made in committee of the whole;

Which was decided in the affirmative, viz:

Provided, That the township in which the town of Columbus, in Lowndes county, is situated be, and is hereby excepted out of the provisions of the above recited act.

The question was had on the adoption of the following amendment, made in committee of the whole;

And decided in the affirmative, to-wit:

Amend by adding, at the close of 6th section of printed bill, as follows:

Provided the consent of a majority of the resident heads of families in each township shall be filed in writing and recorded on the minutes of said board before such tax shall be levied on the inhabitants of any township.

On motion of Mr. Stewart,

Said bill, as amended, was ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Guion,

The senate concurred in the joint resolution from the house of representatives, raising a committee on a bill to establish volunteer companies, for the more efficient military organization of this state;

And the blank in said resolution was filled with the number three.

Messrs. Guion, Lipscomb and Stewart were appointed said committee.

On motion of Mr. Miles,

The senate concurred in the amendments made by the house of representatives to a bill from the senate to be entitled,

An act for the relief of William S. Bailey.

A memorial to the congress of the United States, in relation to removing obstacles between the Mississippi river and the Gulf of Mexico;

Was read the first time.

Mr. Adams moved to dispense with the rule, and read said memorial the second time;

Which was lost.

A bill to be entitled,

An act supplemental to an act to repeal certain laws in relation to the road hands in Honey Island, in Holmes county, approved February 5th, 1841;

Was read the first time.

A bill to be entitled,

An act for the relief of James White;

Was read the first time.

A bill to be entitled,

An act to authorize the governor of this state to exchange all laws, reports and legislative documents, printed by order of this state, for those published in other states;

Was read the first time.

On motion of Mr. Adams,

The constitutional rule was dispensed with,

And said bill was read the second time by title.

On further motion,

The rule was further dispensed with,

And said bill was read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

On motion of Mr. Briscoe,

The senate concurred in the amendments made by the house of representatives to a bill from the senate to be entitled,

An act to authorize the police court of Claiborne county to erect toll bridges.

The senate proceeded to the consideration of the orders of the day.

A bill to be entitled,

An act to authorize the commissioner of the sinking fund to make compromises with the debtors thereof;

Was read the second time.

On motion of Mr. Lumpkin,

The regular orders of the day were suspended, in order to take up a bill to be entitled,

An act to authorize the governor of the state of Mississippi to appoint commissioners in other states;

Which was read the second time;

On motion of Mr. Turner,

The constitutional rule was dispensed with,

And said bill was read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

Mr. Turner offered the following resolution, to-wit:

Resolved, That the auditor of public accounts be, and is hereby requested to report, at as early a day as practicable, the amount of the three per cent. fund apportioned to the county of Jefferson, and whether the same has been paid over according to law, and if so, when and to whom, and if not, the reason why the same has not been paid.

Resolved, That the secretary of the senate cause a copy of the foregoing resolution to be delivered to the auditor forthwith;

Which was adopted.

On motion of Mr. Boone,

The senate adjourned until Monday morning next, 10 o'clock.

MONDAY, FEBRUARY 16, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Lipscomb, from the standing committee on the seminary fund, to whom had been referred a bill to be entitled,

An act for the relief of Oakland College,

Reported said bill back without amendment, and recommended its passage.

On motion of Mr. Turner,

The report was received and agreed to.

Mr. Tillman was called to the chair;

Mr. Swann offered the following amendment to said bill:

Amend by adding at the end of 1st section—

"And provided also, that if said loan be made by said trustees, the amount so loaned by them shall be drawn on their requisition, by warrant of the auditor of public accounts, on the treasury, and shall be in addition to the sum of fifty thousand dollars heretofore authorized to be drawn from the treasury by them on account of the seminary fund."

Which was adopted.

Mr. Pegues offered the following amendment, to-wit:

"SEC. —. *And be it further enacted*, That the trustees of said university shall have power to loan out the whole amount of said fund which is now in the treasury, or which may hereafter be paid into the treasury, so soon as the state shall be unwilling to retain the same, paying interest thereon as now provided by law."

Which was lost.

Mr. Boone offered the following amendment, to-wit:

SEC. —. *And be it further enacted*, That said trustees be authorised to extend the provisions of this act to Rienzi academy, in the county of Tishemingo, by a loan of five thousand dollars, under the same restrictions provided for the loan to Oakland college.

Mr. Labauve offered the following amendment to the amendment, to-wit:

Add, "and Montrose academy, in Jasper county."

The question was had on the adoption of the amendment to the amendment;

Which was lost:

And the question was thereupon had on the adoption of the amendment as divided;

Which was lost.

And the question was had on the engrossment of said bill, as amended;

Which was lost.

Mr. Swann called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Booth, Dupree, Fox, Lipscomb, Lansdale, Metcalf, Miles, Nicholson, Ramsay, Tillman, Turner and Wilbourn.—15 votes.

Noes—Messrs. Acker, Beene, Boone, Dabney, Durr, Guion, Horne, Hicks, Johnson, Lumpkin, Labauve, Pegues, Price, Stewart and Williams—15 votes.

The President resumed his chair.

Mr. Acker asked and obtained leave to the introduction of a bill to be entitled,

An act to incorporate the pastors, deacons and members of the first Baptist church of Aberdeen;

Which was read the first time.

Mr. Wade moved to lay said bill on the table;

Which was lost.

The following message was received from the house of representatives through Mr. Montgomery, to-wit:

Mr. PRESIDENT—The Speaker of the house of representatives has signed bills, which originated in the house, of the following titles, to-wit:

An act to amend the charter of incorporation of the town of Port Gibson;

An act to change the time of holding the probate court of Franklin county;

An act to incorporate the town of Enterprise in the county of Clarke;

An act to repeal the fourth section of an act entitled, an act to amend an act to incorporate the town of Grenada, in the county of Yalabusha, and for other purposes, approved February 22d, 1840;

An act to change the name of Susannah Westley House, and for other purposes;

An act to incorporate the town of Greensborough, in Choctaw county, and to repeal all acts incorporating the same;

An act to incorporate Naomi lodge No. 17, of the independent order of odd fellows;

An act for the relief of widows and orphans, and for other purposes;

An act to secure to the owners of slaves, executed by sentence of law, compensation for the same;

An act to declare Mike's or Fishing river, in the county of Hancock, a navigable stream;

An act to authorize the board of police of Green county to levy a special tax, and for other purposes;

An act to establish the seat of justice in the county of Issaquena;

Which I am instructed to present to the senate for the signature of the President.

Mr. PRESIDENT—The house of representatives have passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act for the relief of Louisa Williams and her children.

The house have also adopted a memorial to the congress of the

United States, requesting the grant of certain overflowed lands in the counties of Adams and Wilkinson.

They have also passed bills of the following titles:

A bill to be entitled,

An act amendatory of an act to repeal the acts heretofore passed incorporating the city of Jackson, and to define the boundaries and re-incorporate said city, approved February 22d, 1840;

A bill to be entitled,

An act to authorize Nancy Gowin, administratrix, to transfer the administration of the estate of Meredith Gowin, deceased, from the probate court of Copiah county to the probate court of Simpson county;

A bill to be entitled,

An act for the benefit of Lucy Dickson, of Hinds county;

In which they desire the concurrence of the senate.

They have also passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act to incorporate the Locopolis railroad company:

The house have passed a bill of the following title, viz:

A bill to be entitled,

An act to change the name of Theophilus Pitcher.

Also, joint preamble and resolution in relation to an act passed at this session of the legislature in favor of William Morris;

In which I am instructed to desire the concurrence of the senate.

They have given leave to the introduction of bills of the following titles, viz:

A bill to be entitled,

An act for the relief and benefit of the state hospital;

A bill to be entitled,

An act to authorize Benj. S. Tipton to keep a ferry across Big Black river;

A bill to be entitled,

An act granting to settlers upon the state land a pre-emption right to one quarter section;

A bill to be entitled,

An act to amend the laws of this state in relation to runaway slaves;

A bill to be entitled,

An act defining who shall be considered and adjudged brokers.

Mr. Turner asked and obtained leave to the introduction of a bill to be entitled,

An act providing for the liquidation and surrender of the corporate franchises of the several banks of this state;

Which was read the first time.

On motion of Mr. Fox,

The honorable senator from the county of Marshall had leave of absence granted him during his indisposition.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

MR. PRESIDENT—The joint standing committee on enrolled bills have presented to his excellency the governor, bills, &c., of the following titles, for his approval:

An act to incorporate the town of Raleigh, in the county of Smith, and to repeal the acts heretofore passed incorporating said town;

An act to incorporate the town of Paulding, in Jasper county;

An act prescribing the mode of collecting costs in certain cases, and for other purposes;

An act to incorporate Washington lodge, No. 2, of the independent order of odd fellows in the city of Natchez;

An act in relation to the probate court of Hinds county;

An act to incorporate the Holmesville lodge, No. 69, of free and accepted masons;

An act to authorise the sale of lands belonging to the sinking fund, and for other purposes;

An act for the relief of David McCaleb, of Claiborne county;

An act to regulate and define the relation of masters and apprentices;

An act for the relief of the sheriff of Lauderdale county;

An act to incorporate the Grand Gulf lodge, No. 41, of free and accepted masons;

An act to incorporate Marion lodge, No. 62, in the town of Marion, Lauderdale county;

An act to relinquish the claim of the state by escheat to the estate of William Alfred Cottingham, deceased, in favor of certain persons therein named;

An act to provide for an additional justice of the peace in the district of Holmesville;

An act to authorize the transcribing into suitable books the records of Smith county; also,

Memorials and resolutions of the legislature of the state of Mississippi, to the congress of the United States, now in session.

NATH'L S. PRICE, Chairman.

Mr. President—The joint standing committee on enrolled bills have examined,

An act for the relief of W. S. Bailey;

A memorial to the congress of the United States;

An act to authorise the police court of Claiborne county to erect toll-bridges;

And have found the same correctly enrolled.

NATH'L S. PRICE, Chairman.

Mr. Williams asked and obtained leave to the introduction of a bill to be entitled,

An act to establish and carry into operation a state lunatic hospital in the city of Jackson;

Which was read the first time.

On motion of Mr. Williams,

The constitutional rule was dispensed with,

And said bill was read the second time by title.

On motion of Mr. Williams,

Said bill was referred to a select committee of three.

Messrs. Williams, Lipscomb and Guion were appointed said committee.

Mr. Acker asked and obtained leave to the introduction of a bill to be entitled,

An act to change the name of Morris Schenkloski into that of Morris Price;

Which was read the first time.

On motion of Mr. Acker,

The constitutional rule was suspended,

And said bill was read the second time by title.

On motion of Mr. Acker,

The rule was further suspended,

And said bill was considered as engrossed,

And read the third time forthwith, and passed.

Ordered, That the title thereto be as stated.

Mr. Horne asked and obtained leave to the introduction of a bill to be entitled,

An act to amend the laws relative to runaway slaves;

Which was read the first time.

On motion of Mr. Horne,

The constitutional rule was suspended,

And said bill was read the second time by title.

Mr. Boone offered the following amendment, to-wit:

SEC. —. *Be it further enacted*, That the county of Tishemingo be exempt from the provisions of this act;

Which was adopted.

On motion of Mr. Wall,

The further consideration of said bill was postponed for half an hour.

Mr. Lipscomb asked and obtained leave to the introduction of a bill to be entitled,

An act for the relief of the Columbus Riflemen;

Which was read the first time.

The senate took up the message from the house of representatives.

A bill to be entitled,

An act to change the name of Theophilus Pitcher,

Was read the first time.

On motion of Mr. Wall,

The constitutional rule was suspended,

And said bill was read the second time by title.

On motion of Mr. Wall,

The rule was further dispensed,

And said bill was read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

A joint preamble and resolution in relation to an act passed at this session of the legislature, in favor of William Morris,

Was read the first time.

On motion of Mr. Boone,

The constitutional was dispensed with,

And said preamble and resolution was read the second time.

On further motion of Mr. Boone,

The rule was further dispensed with,

And said preamble and resolution read the third time forthwith, and adopted.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act for the benefit of Lucy Dickson, of Hinds county,

Was read the first time.

On motion of Mr. Dupree,

The constitutional rule was dispensed with,

And said bill was read the second time by title.

On the further motion of Mr. Dupree,

The rule was further dispensed with,

And said bill was read the third time forthwith by title, and passed.

Ordered, That the title thereof be as stated.

A memerial to the congress of the United States, requesting the grant of certain overflowed lands in the counties of Adams and Wilkinson,

Was read the first time.

On motion of Mr. Stewart,

The constitutional rule was dispensed with,

And said memorial was read the second time by title.

On the further motion of Mr. Stewart,

The constitutional rule was further dispensed with, and said memorial read the third time forthwith by title, and adopted.

Ordered, That the title thereof be as stated.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

Mr. President—The house of representatives have passed bills from the senate of the following titles:

A bill to be entitled,

An act to incorporate the Vanatta lodge, No. 68, of free and accepted masons, of the town of Raleigh, in Smith county;

A bill to be entitled,

An act to incorporate the Lexington library and debating society;

A bill to be entitled,

An act to divide the forty-fifth regiment of Mississippi militia.

The house have passed bills, as follows:

A bill to be entitled,

An act to provide for erecting levees on the banks of the Mississippi river, in Warren county;

A bill to be entitled,

An act to attach the county of Noxubee to the fourth judicial district of this state, and for other purposes; also,

A resolution granting leave of absence to A. B. Dawson;

In which I am instructed to desire the concurrence of the senate.

A bill to be entitled,

An act amendatory of an act to repeal the acts heretofore passed, incorporating the city of Jackson, and to define the boundaries and re-incorporate said city, approved February 22d, 1840,

Was read the first time.

A bill to be entitled,

An act to authorise Nancy Gowin, administratrix, to transfer the administration of the estate of Meredith Gowin, deceased, from the probate court of Copiah county to the probate court of Simpson county,

Was read the first time.

On motion of Mr. Adams,

The constitutional rule was dispensed with,

And said bill read the second time by title.

The senate resolved itself into committee of the whole, on a bill to be entitled,

An act to reduce the per diem allowance of the members of the board of police, probate judges, and probate clerks, of certain counties therein named;

And after some time spent therein,

The committee rose, and

Mr. Pegues reported back said bill with sundry amendments.

On motion of Mr. Pegues,

The report was received and agreed to;

And said amendments ordered to be engrossed for a third reading with said bill on to-morrow.

On motion of Mr. Miles,

The senate resolved itself into committee of the whole, on a bill to be entitled,

An act to amend an act entitled, an act to prescribe the mode of proceeding against incorporated banks for a violation of their cor-

porate franchises, and against persons pretending to exercise corporate privileges under acts of incorporation, and for other purposes, approved July 26th, A. D. 1843;

And after some time spent therein,

The committee rose, and

Mr. Lipscomb reported progress, and asked leave to sit again on to-morrow.

On motion of Mr. Lipscomb,

The report was received and agreed to.

Mr. Adams called from the table,

A resolution in relation to the adjournment of the legislature on the 28th instant.

Mr. Adams offered the following amendment:

Amend, by striking out the '28th February,' and insert '2d of March.'

Mr. Lumpkin offered the following amendment to the amendment, to-wit:

1st. *Resolved*, (the house of representatives concurring,) That no bill or resolution shall be introduced into either house after the 21st of February instant, unless by the consent of three-fourths of the members of the house in which said bill or resolution is introduced.

2d. *Resolved*, That the legislature will dispose of all the business on their calendars before any adjournment sine die shall take place.

Mr. Guion moved to lay said resolution on the table;

Which was lost.

Mr. Guion called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Boone, Dabney, Dupree, Fox, Guion, Hicks, Johnson, Lumpkin, Labauve, Lansdale, Metcalf, Price and Williams—14 votes.

Noes—Messrs. Adams, Acker, Briscoe, Booth, Beene, Durr, Horne, Lipscomb, Miles, Nicholson, Pegues, Ramsay, Stewart, Tillman, Wall and Willburn—16 votes.

The question was then had on the adoption of the resolution offered by Mr. Lumpkin.

Mr. Wall called for a division of the question;

Which was had, first upon the adoption of the first resolution;

Which was adopted.

The question was then had upon the adoption of the second resolution;

Which was lost.

Mr. Boone called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Boone, Dupree, Lumpkin, Labauve, Price and Williams—6 votes.

Noes—Mr. President, Adams, Acker, Briscoe, Booth, Beene, Dabney, Durr, Fox, Guion, Horne, Hicks, Johnson, Lipscomb, Lansdale, Metcalf, Miles, Nicholson, Pegues, Ramsay, Stewart, Tillman, Wall and Willburn—24 votes.

The question was then had on the adoption of the amendment to the resolution;

Which was adopted.

Mr. Acker offered the following amendment to the resolution as amended:

Amend by inserting Saturday the 21st instant.

The question was first had on striking out;

Which was lost.

Mr. Labauve offered the following amendment to the resolution as amended, viz:

Strike out 2d of March, and insert 14th of March;

Which was lost.

Mr. Lansdale offered the following amendment to the resolution as amended, viz:

Strike out 2d of March and insert 7th of March;

Which was lost.

The question was then had on the adoption of the resolution as amended;

Which was adopted.

Mr. Wall called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Adams, Briscoe, Booth, Beene, Dabney, Durr, Fox, Horne, Hicks, Lipscomb, Miles, Nicholson, Pegues, Ramsay, Stewart, Tillman, Wall and Willburn—18 votes.

Noes—Mr. President, Acker, Boone, Dupree, Guion, Johnson, Lumpkin, Labauve, Lansdale, Metcalf, Price, Turner and Williams—13 votes.

Mr. Guion moved an adjournment until 7 o'clock this evening;
Which was lost.

On motion of Mr. Williams,

The senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, February 17, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Durr, from the standing committee on propositions and grievances, reported a bill to be entitled,

An act for the relief of William Nichols;

Which was read the first time.

The following message was received from his excellency, the governor, through his private secretary, viz:

Mr. President—His excellency, the governor, has this day approved and signed bills which originated in the senate, of the following titles:

An act to incorporate the town of Raleigh, in the county of Smith, and to repeal the acts heretofore passed incorporating said town;

An act to incorporate Marion Lodge, No. 62, in the town of Marion, Lauderdale county;

An act to incorporate Grand Gulf Lodge, No. 41, of free and accepted masons;

An act to regulate and define the relations of masters and apprentices;

An act to relinquish the claim of the state, by escheat, to the estate of William Alfred Cottingham, deceased, in favor of certain persons therein named;

An act to authorize the transcribing into suitable books the records of Smith county;

An act to provide for an additional jusice of the peace in the district of Holmesville;

An act for the relief of the sheriff of Lauderdale county;

An act for the relief of David McCaleb, of Claiborne county;

Memorial and resolutions of the legislature of the state of Mississippi to the congress of the United States, now in session;

Approved 16th February, 1846.

To the Senate:

I nominate Richard P. Winslow, James Forrest and Charles Scott to be inspectors of the penitentiary for two years from and this date.

A. G. BROWN.

EXECUTIVE CHAMBER,
16th February, 1846.

On motion of Mr. Wall,

The consideration of the last message was postponed 'till to-morrow.

On motion of Mr. Stewart,

A bill of the following title was called from the orders of the day, to-wit:

A bill to be entitled,

An act to establish a system of common schools, and for other purposes;

Which was read the third time.

Mr. Dupree offered the following amendment, by way of ryder, to-wit:

Insert 'city of Jackson,' in the 7th section, after the words 'Yazoo city';

Mr. Lansdale moved to postpone the further consideration of said bill until to-morrow;

Which was lost.

Mr. Guion called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Briscoe, Horne, Lansdale, Miles and Willburn —5 votes.

Noes—Mr. President, Adams, Acker, Booth, Beene, Boone, Dabney, Dupree, Durr, Fox, Guion, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Metcalf, Nicholson, Pegues, Price, Ramsay, Stewart, Tillman, Turner, Wall and Williams—26 votes.

The question was had on the adoption of the ryder;

Which was lost.

Mr. Lansdale offered the following amendment, by way of ryder, to-wit:

Amend by inserting, at the end of the 7th section—

Provided, That the fines and forfeitures in the county of Holmes shall be permitted to be appropriated as heretofore; and, that all monies arising from license to retail spirituous and vinous

liquors in the town of Lexington shall be appropriated to the Lexington male and female academy; and, that all monies arising from the same source, in the town of Tchula, shall be appropriated to the Chicopa academy; and, that all sums arising from that source in other parts of the county shall be, and is hereby appropriated to schools;

Which was lost.

The question was then had on the passage of said bill;

Which was decided in the affirmative.

Ordered, That the title thereof be as stated.

Mr. Guion called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Acker, Briscoe, Booth, Beene, Boone, Dabney, Dupree, Durr, Fox, Guion, Horne, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Metcalf, Miles, Nicholson, Pegues, Ramsay, Stewart, Tillman, Turner, Wall, Williams and Willburn—29 votes.

Noes—Messrs. Lansdale and Price—2 votes.

Mr. Briscoe asked and obtained leave to the introduction of a bill to be entitled,

An act regulating the right of way on the bank of the Mississippi river in this state;

Which was read the first time.

On motion of Mr. Briscoe,

The constitutional rule was suspended,

And the said bill was read the second time by title.

On motion of Mr. Guion,

Said bill was committed to the whole house, and made the special order of the day for to-morrow.

The following message was received from the house of representatives, through their clerk, Mr. Montgomery, to-wit:

Mr. President—The house of representatives have passed bills of the following titles, viz:

A bill to be entitled,

An act giving power to the circuit and chancery courts to legitimatize bastard children, alter or change the names, and for other purposes;

A bill to be entitled,

An act to incorporate the Tilatoba navigation company, and for other purposes;

A bill to be entitled,

Aa act to incorporate St. Thomas' Hall, in the town of Holly Springs;

A bill to be entitled,

An act to legalize the test of all writs, executions, and other legal process, in the second judicial district of this state;

A bill to be entitled,

An act to authorize the board of police of Wilkinson county to compromise or dismiss a certain suit;

A resolution granting leave of absence to the judges of the high court of errors and appeals.

They have also passed a bill, from the senate, of the following title, viz:

A bill to be entitled,

An act for the benefit of the children of William Martin, of Claiborne county;

And made sundry amendments thereto.

In all of which I am requested to desire the concurrence of the senate.

The speaker of the house of representatives has signed bills which originated in the house of representatives of the following titles, viz:

An act to authorize the governor of the state of Mississippi to appoint commissioners in other states;

An act to authorize the governor of this state to exchange all laws, reports and legislative documents, printed by order of the legislature of this state, for those published in other states;

An act for the benefit of Lucy Dickson, of Hinds county;

An act to change the name of Theophilus Pitcher;

A preamble and resolution of the legislature of the state of Mississippi;

A memorial by the legislature of the state of Mississippi to the congress of the United States, requesting the granting of certain overflowed lands in the counties of Adams and Wilkinson, for the purpose of leveeing the same, and for other purposes;

Which I am instructed to present to the senate for the signature of the president.

The president signed the said bills.

Mr. Turner, from a select committee, to whom was referred the

memorial of sundry citizens of Franklin county in relation to the improvement of the navigation of the Homochitto river, reported in part;

A memorial to congress to aid in improving the navigation of the Homochitto river;

Which was read the first time.

On motion of Mr. Turner,

The rule was dispensed with,

And said memorial was read the second time by title.

On motion of Mr. Turner,

Said memorial was ordered to be engrossed for a third reading on to-morrow.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, viz:

The house of representatives have given leave to the introduction of bills of the following titles, viz:

A bill to be entitled,

An act to dispense with the office of state commissioner, and for other purposes;

A bill to be entitled,

An act to change the labor of convicts in the state penitentiary, and for other purposes; also,

A resolution relative to the officers of the penitentiary;

A bill to be entitled,

An act to amend an act entitled, an act to prescribe the mode of proceeding against incorporated banks for a violation of their corporate franchises, and against persons pretending to exercise corporate privileges under acts of incorporation, and for other purposes, approved July 26, 1843.

On motion of Mr. Dabney,

The senate proceeded to the consideration of a bill to be entitled,

An act to attach the county of Noxubee to the fourth judicial district of this state, and for other purposes;

Which was read the first time.

On motion of Mr. Labauve,

A dispensation of the rule was had,

And said bill was read a second time by title.

Mr. Miles offered the following amendment, viz:

Amend by adding,

SEC. —. *Be it further enacted*, That the circuit court for the county of Winston shall commence on the first Mondays of March and September in each year, and may continue six judicial days, if business so long require, and no longer: in the county of Attala, on the second Mondays of March and September, and may continue twelve judicial days, if business so long require, and no longer;

Which was adopted.

Mr. Adams moved the indefinite postponement of said bill;

Which was lost.

Mr. Horne called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Dupree, Durr, Fox, Horne, Metcalf, Nicholson, Ramsay, Stewart, Tillman and Wall —13 votes.

Noes—Messrs. Acker, Booth, Beene, Boone, Dabney, Guion, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Lansdale, Miles, Pegues, Price, Williams and Willburn—17 votes.

Mr. Horne moved to lay said bill on the table;

Which was lost.

Mr. Adams called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Dupree, Durr, Fox, Horne, Metcalf, Nicholson, Ramsay, Stewart, Tillman and Wall —13 votes.

Noes—Messrs. Acker, Booth, Beene, Boone, Dabney, Guion, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Lansdale, Miles, Pegues, Price, Williams and Willburn—17 votes.

On motion of Mr. Miles,

The amendment was ordered to be engrossed for a third reading with said bill on Thursday next.

On motion of Mr. Briscoe,

The senate concurred in the amendments made by the house of representatives to a bill from the senate to be entitled,

An act for the benefit of the children of William Martin, of Claiborne county.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

MR. PRESIDENT—The joint standing committee on earolled bills have examined,

An act to divide the forty-fifth regiment of Mississippi militia, now composing the militia of Chickasaw county;

An act to incorporate the Vanatta lodge, No. 68, of free and accepted masons in the town of Raleigh, in Smith county;

An act to incorporate the Locopolis railroad company;

An act to incorporate the Lexington library and debating society;

An act for the relief of Louisa Williams and her children;

An act to change the name of Theophilus Pitcher;

An act to authorize the governor of the state of Mississippi to appoint commissioners in other states;

An act to authorize the governor of the state to exchange all laws, reports and legislative documents printed by order of the legislature of this state, for those published in other states;

An act for the benefit of Lucy Dickson, of Hinds county;

Preamble and resolutions of the legislature of the state of Mississippi;

A memerial by the legislature of the state of Mississippi to the congress of the United States, requesting the granting of certain overflowed lands in the counties of Adams and Wilkinson, for the purpose of leveeing the same, and for other purposes;

And have found the same correctly enrolled.

MATH'L S. PRICE, Chairman.

A resolution granting leave of absence to the judges of the high court of errors and appeals,

Was read the first time.

On motion of Mr. Guion;

The constitutional rule was dispensed with,

And said resolution was read the second time by title.

Mr. Guion offered the following amendment, to-wit:

Amend by inserting "Sharkey" after Wm. L.; strike out "A." between the words "Alexander and Clayton," and insert "M.";

Which was adopted.

And said amendment was ordered to be engrossed for a third reading with said bill on to-morrow.

The following message was received from the house of representatives through Mr. Montgomery, their clerk:

Mr. PRESIDENT—The house of representatives have passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act to change the name of Morris Schenkloski into that of Morris Price.

They have also passed bills of the following titles, viz:

A bill to be entitled,

An act to increase the fees of certain officers in Tunica county;

A bill to be entitled,

An act for the relief of Abner W. Crider, of Copiah county;

A bill to be entitled,

An act to repeal in part an act entitled, an act to provide for funding the treasury warrants of the state of Mississippi, issued prior to the 1st day of January, 1841;

A bill to be entitled,

An act to incorporate Tappan lodge, No. 59, of free and accepted masons;

A bill to be entitled,

An act to dispense with the time prescribed by law for Joseph F. Griffin and William R. Hudnall, of Madison county, attaining the age of majority.

In which they desire the concurrence of the senate.

Mr. Lansdale moved an adjournment until to-morrow morning 10 o'clock;

Which was lost.

Mr. Guion moved an adjournment till 7 o'clock to night;

Which was lost.

On motion of Mr. Labauve,

The senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The recess having expired,

The senate met.

Mr. Miles asked and obtained leave to the introduction of a bill to be entitled,

An act to settle the construction of the 13th section of an act entitled, an act to amend the several acts of limitation, approved February 24th, 1844;

Which was read the first time.

On motion of Mr. Miles,

The constitutional rule was suspended,

And said bill was read the second time by title.

Mr. Miles moved to dispense with the rule further, and consider said bill as engrossed, and read the same the third time forthwith;

Which was decided in the affirmative;

And said bill was read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

The president announced that he had received from the auditor of public accounts a communication in relation to the three per cent. fund, belonging to the county of Jefferson;

Which was read.

On motion of Mr. Turner,

Said communication was referred to a select of three.

Messrs. Turner, Booth and Nicholson were appointed said committee.

On motion of Mr. Turner,

A bill to be entitled,

An act providing for the liquidation and surrender of the corporate franchises of the several banks of this state,

Was called up;

And said bill was read the second time by title.

Mr. Turner offered the following amendment, to-wit:

SEC. —. *And be be it further enacted*, That any bank surrendering its charter, under the provisions of this act, shall pay annually into the treasury of this state, for the benefit of the common school fund, the sum of three thousand dollars, to be paid on the first day of January of each and every year, from the passage of this act, until the affairs of such bank shall be finally liquidated and closed, under the provisions of this act; and any bank failing to make such payments, shall be liable to be proceeded against for the collection thereof in the mode provided by law for the collection of taxes of this state;

Which was adopted.

On motion of Mr. Turner,

Said bill was committed to the whole house, and made the order of the day for Friday next;

And two hundred copies of said bill were ordered to be printed.

The senate resolved itself into committee of the whole on a bill to be entitled,

An act to provide in part for the payment of the Planters' bank bonds.

And after sometime spent therein, the committee rose,

And Mr. Beene reported said bill with sundry amendments.

On motion of Mr. Beene,

The report was received.

Mr. Lipscomb offered the following amendment, to-wit:

Be it further enacted, That the payment be made pro rata among the bond and coupon holders;

Which was lost.

Mr. Guion called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Briscoe, Boone, Horne, Hicks, Lipscomb, Lumpkin, Labauve, Pegues, Price, Ramsay, Tillman and Willburn—12 votes.

Noes—Mr. President, Adams, Acker, Booth, Beene, Dabney, Durr, Fox, Guion, Johnson, Metcalf, Miles, Nicholson, Stewart, Turner, Wall and Williams—17 votes.

On motion of Mr. Miles,

The report was agreed to.

Mr. Guion called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Booth, Beene, Boone, Durr, Guion, Hicks, Lipscomb, Metcalf, Miles, Nicholson, Pegues, Price, Ramsay, Stewart, Turner, Wall, Williams and Willburn—20 votes.

Noes—Messrs. Acker, Briscoe, Dabney, Fox, Horne, Johnson, Lumpkin, Labauve and Tillman—9 votes.

Mr. Miles moved the engrossment of said bill as amended;

Which was lost.

Mr. Guion called for the ayes and noes thereon, which are as follows, viz:

Ayes—Mr. President, Booth, Durr, Guion, Hicks, Metcalf, Miles Nicholson, Pegues, Ramsay, Stewart, Turner, Wall and Williams —14 votes.

Noes—Messrs. Adams, Acker, Briscoe, Beene, Boone, Dabney, Fox, Horne, Johnson, Lipscomb, Lumpkin, Labauve, Price, Tillman end Willburn—15 votes.

On motion of Mr. Boone,

The vote last taken was re-considered.

Mr. Miles offered the following amendment:

Amend, by striking out the 2d section, and by adding,

SEC. —. *Be it further enacted*, That the state commissioner, who is charged with the collection of the sinking fund, be authorised and is hereby required, to receive in payment any bond or bonds, or coupons of interest on the same, issued and sold for stock in the Planters' bank, from any debtor or debtors to said sinking fund;

Which was adopted.

On motion of Mr. Miles,

Said bill as amended was ordered to be engrossed for a third reading on to-morrow.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Booth, Boone, Durr, Guion, Hicks, Metcalf, Miles, Nicholson, Pegues, Ramsay, Stewart, Turner, Wall and Williams—15 votes.

Noes—Messrs. Adams, Acker, Briscoe, Beene, Dabney, Fox, Horne, Johnson, Lipscomb, Lumpkin, Labauve, Price, Tillman and Willburn—14 votes.

Mr. Guion offered the following resolution, to-wit:

Resolved, That the senate will hereafter, until otherwise ordered, meet at 9 o'clock, A. M., and will not hold afternoon sessions, but will hold evening sessions;

Which was adopted.

On motion of Mr. Adams,

The senate suspended the rule limiting the presentation of claims to the 10th instant.

Mr. Adams presented the claim of Samuel Carpenter;

Which, on his motion, was referred to the committee on claims.

On motion of Mr. Fox,

The senate adjourned until Monday morning next, 9 o'clock.

WEDNESDAY, FEBRUARY 18, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Nicholson, from a select committee, reported a bill to be entitled,

An act to incorporate the Holmesville turnpike company;

Which was read the first time.

On motion of Mr. Nicholson,

The constitutional rule was suspended, and said bill was read the second time by title.

On motion of Mr. Wall,

Said bill was committed to the whole house, and made the order of the day for to-morrow.

On motion of Mr. Wall,

The senate took up the message received from his excellency, the governor, on yesterday.

On motion of Mr. Wall,

The senate advise and consent to the nomination of Richard P. Winslow, James Forrest and Charles Scott to be inspectors of the penitentiary for two years from and after this date.

Mr. Ramsay asked and obtained leave to the introduction of a bill to repeal a part of an act entitled "an act to attach a part of Perry county to the county of Harrison," approved January 24th, 1844,

Which was read the first time.

On motion of Mr. Ramsay,

The constitutional rule was suspended, and said bill was read the second time by title.

On motion of Mr. Ramsay,

Said bill was ordered to be engrossed for a third reading on to-morrow.

The following message was received from the house of representatives, through their clerk, Mr. Montgomery, viz:

MR. PRESIDENT—The house of representatives have passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act to incorporate the town of Benton in the county of Yazoo;

And have made an amendment thereto, in which I am instructed to desire the concurrence of the senate.

A bill to be entitled an act to legalize the test of all writs, executions and other legal process in the second judicial district of this state,

Was read the first time.

On motion of Mr. Adams,

The constitutional rule was suspended,

And said bill was read the second time by title.

On motion of Mr. Adams,

The rule was further dispensed with,

And said bill was read the third time forthwith by title.

Mr. Durr offered the following amendment by way of ryder, to-wit:

SEC. — *And be it further enacted*, That the provisions of the above act shall extend to the 4th judicial district;

Which was adopted,

And said bill with its ryder passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act to repeal in part an act entitled an act to provide for funding the treasury warrants of the state of Mississippi, issued prior to the 1st day of January, 1841,

Was read the first time.

On motion of Mr. Price,

Said bill was rejected.

A bill to be entitled,

An act giving power to the circuit and chancery courts to legitimatize bastard children, alter or change names, and for other purposes,

Was read the first time.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

MR. PRESIDENT—The joint standing committe on enrolled bills have examined a bill of the following title:

An act to change the name of Morris Shenkloski to that of Morris Price,

And found the same correctly enrolled.

NATH'L. PRICE, Chairman.

The senate proceeded to the consideration of the orders of the day.

The senate resolved itself into committee of the whole on a bill to be entitled,

An act in relation to the reporter of the high court of errors and appeals;

And after some time spent therein, the committee rose, and Mr.

Metcalf reported said bill back with an amendment.

On motion of Mr. Metcalf,

The report was received.

The question was had on concurring with the following amendment made in committee of the whole, to-wit:

Amend by striking out from the enacting clause in the 1st section, and inserting;

That hereafter the briefs to be published in the reports of the decisions of the high court of errors and appeals shall contain only a concise statement of the points submitted, and a like reference to the authorities cited on both sides;

Which was decided in the affirmative.

Mr. Price called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Booth, Fox, Guion, Horne, Hicks, Lipscomb, Lansdale, Metcalf, Miles, Nicholson, Ramsay, Stewart, Turner, Wall and Williams—16 votes.

Noes—Messrs. Adams, Archer, Briscoe, Beene, Boone, Dabney, Johnson, Lumpkin, Labauve, Pegues, Price, Tillman and Wilburn—13 votes.

Mr. Labauve offered the following amendment, to-wit:

Sec. — Be it further enacted that the printing and binding of said reports shall be executed in this state under the supervision of said reporters, and that the auditor of public accounts shall not issue his warrant upon the treasury in payment for the work until this fact is certified by the printers executing the work, and proof of the fact made before him;

Which was lost.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Adams, Briscoe, Boone, Dabney, Fox, Johnson, Lumpkin, Labauve, Stewart and Tillman—10 votes.

Noes—Mr. President, Archer, Booth, Beene, Durr, Guion, Horne, Hicks, Lipscomb, Lansdale, Metcalf, Miles, Nicholson Pegues, Price, Ramsay, Turner, Wall, Williams and Willburn—20 votes.

On motion of Mr. Labauve,

Said amendment was considered as engrossed and read the third time forthwith with said bill, and passed.

Ordered, that the title thereof be as stated.

Mr. Miles called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Archer, Briscoe, Booth, Beene, Boone, Dabney, Durr, Fox, Horne, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Nicholson, Pegues, Price, Ramsay, Tillman, Wall and Willburn—23 votes.

Noes—Messrs. Guion, Landsdale, Metcalf, Miles, Stewart, Turner and Williams—7 votes.

Mr. Adams asked and obtained leave to the introduction of

A bill to be entitled,

An act to incorporate the town of Paulding, in Jasper county;

Which was read the first time.

On motion of Mr. Adams,

The constitutional rule was suspended,

And said bill was read the second time.

On motion of Mr. Adams,

The rule was further dispensed with,

And said bill was considered as engrossed, and read the third time forthwith, and passed.

Ordered, that the title thereof be as stated.

On motion of Mr. Miles,

The senate concurred in the amendments made by the house of representatives to a bill from the senate, to be entitled,

An act to incorporate the town of Benton, in the county of Yazoo.

A bill to be entitled,

An act to incorporate St. Thomas Hall, in the the town of Holly Springs,

Was read the first time.

On motion of Mr. Price,

The constitutional rule was suspended,

And said bill was read the second time by title.

On further motion of Mr. Price,

Said bill was read the third time, forthwith, and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act to incorporate the Tilatoba navigation company, and for other purposes,

Was read the first time.

On motion of Mr. Adams,

The constitutional rule was dispensed with,

And said bill was read the second time by title.

On further motion of Mr. Adams,

The rule was further dispensed with,

And said bill was read the third time, forthwith, by title, and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act to authorize the board of police of Wilkinson county to compromise or dismiss a certain suit,

Was read the first time.

On motion of Mr. Stewart,

The constitutional rule was suspended,

And said bill was read the second time.

On further motion of Mr. Stewart,

The rule was further dispensed with,

And said bill was read the third time, forthwith, and passed.

Ordered, that the title thereof be as stated.

Mr. Labauve asked and obtained leave to the introduction of a bill to be entitled,

An act for the construction and repairing of levees in the county of Issaquena,

Which was read the first time.

On motion of Mr. Labauve,

The constitutional rule was dispensed with,

And said bill was read the second time by title,

And ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act to amend the laws of this state, in relation to bail in criminal cases,

Was read the first time.

On motion of Mr. Adams,

The constitutional rule was suspended,

And said bill was read the second time by title.

Mr. Adams moved to commit said bill to the judiciary committee;

Which was lost.

On motion of Mr. Labauve,

Said bill was committed to the whole house, and made the order of the day for to-morrow.

A bill to be entitled,

An act to dispense with the time prescribed by law for Joseph T. Griffin, and William R. Hudnall, of Madison county, attaining the age of majority,

Was read the first time.

On motion of Mr. Miles,

The constitutional rule was suspended,

And said bill was read the second time by title.

On further motion,

The rule was further dispensed with,

And said bill was read the third time forthwith and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act for the relief of Abner W. Crider, of Copiah,

Was read the first time.

On motion of Mr. Tillman,

The constitutional rule was suspended,

And said bill was read the second time by title.

On further motion,

The rule was further dispensed with,

And said bill was read the third time forthwith and passed.

Ordered, that the title thereof be as stated.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bills have presented to his excellency the governor, bills of the following titles for his approval and signature:

An act to incorporate the Locopolis rail-road company;

An act for the relief of W. S. Baily;

An act to authorize the police court of Claiborne county to erect toll bridges;

An act to incorporate the Vannatta Lodge, No. 68, of Free and Accepted Masons in the town of Raleigh, in Smith county;

An act to incorporate the Lexington library and debating society;

An act to divide the 45th regiment of the Mississippi militia, now composing the militia of Chickasaw county;

An act for the relief of Louisa Williams and her children;

An act to cancel certain payments of taxes therein named, and to require the sheriff of Warren county to collect the same, and for other purposes;

An act for the relief of M. A. Banks, of the county of Simpson;

An act providing for the purchase of the book called "North on probate courts;"

An act to amend an act to amend an act entitled an act to make valid and confirm the last will and testament of William Wall, of Monroe county, deceased, approved July 26th, 1843;

An act to amend an act entitled an act to incorporate the Chuqua-tontia turnpike company;

A memorial to the congress of the United States;

An act for the relief of widows and orphans, and for other purposes;

An act to incorporate the town of Greensboro, in Choctaw county, and to repeal all other acts incorporating the same;

A memorial by the legislature of the state of Mississippi to the congress of the United States, requesting the granting of certain overflown lands in the counties of Adams and Wilkinson for the purpose of leveeing the same, and for other purposes;

An act to repeal the fourth section of an act entitled an act to amend an act to incorporate the town of Grenada, in the county of Yalobusha, and for other purposes, approved Feb. 22d, 1840;

An act to change the name of Susanna Westly House, and for other purposes;

An act to establish the seat of Justice in the county of Issaquena;

An act to authorize the board of police of Green county to levy special taxes, and for other purposes;

An act to declare Mikes or Fishing river in the county of Hancock, a navigable stream;

An act to secure to the owners of slaves executed by sentence of law, compensation for the same;

An act for the benefit of Lucy Dixon, of Hinds county;

An act to authorize the governor of this state to exchange all laws, reports and legislative documents, printed by order of the legislature of this state, for those published in other states.

An act to change the name of Theophilus Pitcher;

An act to authorize the governor of the state of Mississippi to

appoint commissioners in other states;

An act to incorporate the town of Enterprise, in the county of Clark;

An act to change the time of holding the probate court of Franklin county;

An act to incorporate Naomi Lodge, No. 17, of the Independent Order of Odd fellows;

An act to amend the charter of incorporation of the town of Port Gibson;

Preamble and resolutions of the legislature of the state of Mississippi.

N. S. PRICE, Chairman.

A bill to be entitled,

An act to increase the fees of certain officers in Tunica county,

Was read the first time.

Mr. Williams, from a select committee, to whom had been referred a bill to be entitled,

An act to establish and carry into operation a state hospital in the city of Jackson;

Reported said bill back without amendment, and recommended its passage.

On motion of Mr. Williams,

The report was received and agreed to,

And said bill ordered to be engrossed for a third reading on tomorrow.

A bill to be entitled,

An act to incorporate Tappan Lodge, No. 59, of Free and Accepted Masons,

Was read the first time.

On motion of Mr. Williams,

The constitutional rule was suspended,

And said bill read the second time by title.

On the further motion of Mr. Williams,

The rule was further suspended,

And said bill was read the third time forthwith, by title, and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act to provide for erecting levees on the banks of the Mis-

sissippi river, in Warren county,

Was read the first time.

A resolution granting leave of absence to A. B Dawson,

Was read the first time.

On motion of Mr. Adams,

The constitutional rule was suspended,

And said resolution read the second time.

On further motion of Mr. Adams,

The constitutional rule was further suspended,

And said resolution read the third time, and adopted.

Ordered, that the title thereof be as stated.

A memorial of the legislature of the state of Mississippi, to the congress of the United States, now in session, praying the cession of certain public lands to certain counties therein named, for the purpose of clearing out the Homochitto river;

Was read the third time and adopted.

Ordered, that the title thereof be as stated.

On motion of Mr. Adams,

The senate adjourned until 7 o'cloek, P. M.

7 O'CLOCK, P. M.

The recess having expired, the senate met.

Mr. Landsdale asked and obtained leave of absence for the honorable senator from Hinds county, during his indisposition.

On motion of Mr. Turner,

A bill of the following title was called from the orders of the day, to-wit:

A bill to be entitled,

An act supplementary to an act entitled an act to establish an inferior court of chancery in the southern part of this state;

Which was read the second time.

On motion of Mr. Turner,

The constitutional rule was suspended,

And said bill was considered as engrossed, and read the third time forthwith and passed.

Ordered, that the title thereof be as stated.

The senate refused to go into committee of the whole on a bill to be entitled,

An act to fix an apportionment of senators and representatives in this state.

On motion of Mr. Wall,

The senate proceeded to the consideration of a bill to be entitled,

An act to amend the laws relative to runaway slaves,

Which was read.

Mr. Adams offered the following amendment, to-wit:

"Strike out the two last lines in the last section;"

Which was adopted.

Mr. Adams offered the following amendment, to-wit:

"Strike out the third section."

On motion of Mr. Acker,

Said bill with amendments were indefinitely postponed.

Mr. Wall called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Adams, Acker, Booth, Beene, Boone, Dabney, Fox, Guion, Johnson, Lipscomb, Lumpkin, Pegues, Price, Stewart, Tillman, Williams and Wilburn—17 votes.

Nays—Mr. President, Briscoe, Durr, Horne, Labauve, Landsdale, Metcalf, Nicholson, Ramsay, Turner and Wall—11 votes.

On motion of Mr. Acker,

The senate disagreed to the amendment made by the house of representatives, to a bill from the senate, to be entitled,

An act supplemental to an act entitled an act to define the powers and duties of the board of police of Monroe, Chickasaw and Noxubee counties.

A bill to be entitled,

An act to authorize Nancy Gowin, administratrix, to transfer the administration of the estate of Meredith Gowin, deceased, from the probate court of Copiah county, to the probate court of Simpson county;

Was read the third time and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act to incorporate the Panola and Delta rail-road company,

Was read the first time.

A bill to be entitled,

An act amendatory of an act to repeal the acts heretofore passed incorporating the city of Jackson, and to define the boundaries and re-incorporate said city, approved Feb. 22d, 1840,

Was read the second time.

A bill to be entitled,

An act to change the time of holding the circuit courts in the county of Marshall,

Was read the first time.

On motion of Mr. Price,

The constitutional rule was suspended,

And said bill was read the second time by title.

On further motion of Mr. Price,

The rule was further suspended,

And said bill was read the third time forthwith and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act to incorporate the Panola and Delta charcoal rail-road company,

Was read the first time.

Mr. Wall moved to suspend the rule,

And read said bill the second time forthwith;

Which was lost.

A resolution granting leave of absence to the judges of the high court of errors and appeals,

Was read the third time and adopted.

Ordered, that the title thereof be as stated.

Memorial to congress in relation to removing obstructions between the Mississippi river and the gulf of Mexico,

Was read the second time.

On motion of Mr. Adams,

The constitutional rule was suspended,

And said memorial was read the third time forthwith and adopted.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act to reduce the per diem allowance of members of the board of police, probate judges, and probate clerks of certain counties therein named,

Was read the third time and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act supplemental to an act to repeal certain laws in relation

to the road hands in Honey Island, in Holmes county, approved February 5th, 1846,

Was read the second time.

On motion of Mr. Landsdale,

The constitutional rule was suspended,

And said bill was read a third time and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act to authorize the commissioner of the sinking fund to make compromises with the debtors thereof,

Was read the third time and passed.

Ordered, that the title thereof be as stated.

On motion of Mr. Wall,

The committee of the whole were discharged from the consideration of a bill of the following title, to-wit:

A bill to be entitled,

An act to amend an act reducing the fees of certain officers therein named, approved February 10th, 1844, so far as relates to the counties of Covington, Wayne, Jones, Clark, Green, Jackson, Harrison, Hancock, Perry and Marion.

On motion of Mr. Wall,

The county of Amite was struck out of the amendment to said bill.

On motion of Mr. Adams,

Said bill and the several amendments thereto, were re-committed to the whole house forthwith, and after some time spent therein, the committee rose and reported back said bill as amended.

On motion of Mr. Pegues,

Said report was received and agreed to.

On motion of Mr. Landsdale,

Said bill and the several amendments thereto, were referred to a select committee of three, to-wit:

Messrs. Landsdale, Horne and Ramsay.

Mr. Landsdale forthwith reported back said bill without any of the amendments, and recommended the passage of said bill.

On motion of Mr. Turner,

The report was received and agreed to.

Mr. Boone offered the following amendment, to-wit:

Amend by adding the following provision to section —:

"*Provided*, that no greater fees than are now allowed by law,

shall be received for the collection of Taxes, or doing other state business;"

Which was adopted.

On motion of Mr. Landsdale,

Said bill as amended was ordered to be engrossed for a third reading on to-morrow.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. President—The house of representatives have concurred in the amendment by way of ryder, made by the senate to the house bill entitled,

An act to legalize the test of all writs, executions, and other legal process in the second judicial district of this state.

They have also concurred in the senate amendments to the house bill entitled,

An act in relation to the reporter of the high court of errors and appeals.

They have also passed bills of the following titles, viz:

A bill to be entitled,

An act to authorize the board of police of Noxubee county to have transcribed into suitable books certain records;

A bill to be entitled,

An act to change the the time of holding the probate court in the county of Jasper;

A bill to be entitlled,

An act to incorporate Sterling lodge, No. 54, of free and accepted masons;

A bill to be entitled,

An act to revive an act to incorporate the Eagle rail-road and lumber company;

In which they desire the concurrence of the senate.

They have also passed a bill from the senate of the following title, to-wit:

A bill to be entitled,

An act to settle the construction of the 13th section of an act entitled an act to amend the several acts of limitation, approved Feb. 24, 1844;

Bnd have made sundry amendments thereto, in which they also desire the concurrence of the senate.

MR. PRESIDENT—The house of representatives have passed bills of the following titles, viz:

A bill to be entitled,

An act to incorporate the Ponola & Delta rail-road company;

A bill to be entitled,

An act to change the time of holding the circuit courts in the county of Marshall;

In which I am instructed to desire the concurrence of the senate.

They have also passed bills of the following titles viz:

A bill to be dntitled,

An act to incorporate the Panola & Delta charcoal road company.

They have passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act supplemental to an act entitled an act to define the powers and duties of the board of police of Monroe, Chickasaw and Noxubee counties;

And have made sundry amendments to the same, in all of which I am instructed to desire the concurrence of the senate.

A bill to be entitled,

An act for the relief of James White,

Was read the second time.

On motion of Mr. Landsdale,

The constitutional rule was suspended,

And said bill was read the third time forthwith and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act for the relief of A. J. Blackburn, M. D.,

Was read the third time and lost.

On motion of Mr. Turner,

A bill to be entitled,

An act to repeal an act to prohibit the introduction of slaves into this state as merchandise, or for sale, approved May, 13th 1837,

Was postponed until to-morrow.

A bill to be entitled;

An act to authorize the courts to tax the prosecutors with costs in certain cases,

Was read the second time.

On motion of Mr. Price,

Said bill was referred to the judiciary committee.

A bill to be entitled,

An act to amend the several acts incorporating the town of Salem, in the county of Tippah,

Was read the second time.

On motion of Mr. Price,

The constitutional rule was dispensed with,

And said bill was read the third time.

On motion of Mr. Price,

Said bill was referred to a select committee of three.

Messrs. Price, Matthews and Boone were appointed said committee.

On motion of Mr. Miles,

The senate concurred in the amendments made by the house of representatives to a bill from the senate to be entitled,

An act to settle the construction of the 13th section of an act entitled an act to amend the several acts of limitation, approved Feb. 24, 1844.

A bill to be entitled,

An act to change the time of holding the probate court of Jasper county,

Was read the first time.

On motion of Mr. Adams,

The constitutional rule was dispensed with,

And said bill was read the second time by title

On the further motion of Mr. Adams,

The rule was further dispensed with,

And said bill was read the third time forthwith and passed.

Ordered, that the title thereof be as stated.

Mr. Lansdale moved an adjournment until to-morrow morning 9 oclock;

Which was lost.

A bill to be entitled,

An act to incorporate Sterling lodge, No. 54, of free and accepted masons,

Was read the first time.

On motion of Mr. Wall,

The constitutional rule was suspended,

And said bill was read the second time by title.

On motion of Mr. Adams,

The rule was further dispensed with,

And said bill was read the third time forthwith and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act to authorize the board of police of Noxubee county to have transcribed into suitable books, certain records,

Was read the first time.

On motion of Mr. Lansdale,

The constitutional rule was suspended,

And said bill was read the second time by title.

On motion of Mr. Labauve,

The rule was further dispensed with,

And said bill was read the third time forthwith by title, and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

Act to revive an act to incorporate the Eagle railroad and lumber company,

Was read the first time.

Mr. Labauve moved to lay said bill on the table;

Which was lost.

A bill to be entitled,

An act to remove the civil disabilities of James L. George, minor, of Carroll county,

Was read the second time,

On motion of Mr. Wall,

The constitutional rule was suspended,

And said bill was read the third time forthwith, and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act for the benefit of Thomas G. Hill, a minor,

Was read the second time.

On motion of Mr. Wall,

The constitutional rule was dispensed with,

And said bill was read the third time, forthwith, and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act for the benefit and relief of the Columbus riflemen,

Was read the second time.

On motion of Mr. Lipscomb,

The rule was dispensed with,

And said bill considered as engrossed, and read the third time forthwith, and passed.

Ordered, that the title thereof be as stated.

On motion of Mr. Briscoe,

The senate adjourned until to-morrow morning 9 o'clock.

THURSDAY, February 19, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Acker, from a select committee, reported a bill to be entitled,

An act to amend an act entitled an act to incorporate the town of Aberdeen, in the county of Monroe, approved May 12, 1837;

Which was read the first time.

On motion of Mr. Acker,

The constitutional rule was suspended;

And said bill was read the second time by title.

On motion of Mr. Acker,

The constitutional rule was further suspended,

And said bill was considered as engrossed, and read the third, and passed.

Ordered, That the title thereof be as stated.

Mr. Miles, from the judiciary committee, reported a bill to be entitled,

An act for the relief of Richard M. Johnson,

And recommended the passage thereof.

On motion of Mr. Miles,

Said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Boone asked and obtained leave to the introduction of a bill to be entitled,

An act to provide for the election of clerk of the superior court of chancery of the state of Mississippi;

Which was read the first time.

The following message was received from his excellency the governor, through his private secretary, to-wit:

MR. PRESIDENT—His excellency the governor has this day approved and signed bills, which originated in the senate, of the following titles:

An act for the relief of W. S. Bailey;

An act to incorporate the Lexington library and debating society;

An act to incorporate the Locopolis railroad company;

An act to amend an act entitled an act to incorporate the Chuquatontia turnpike company;

An act to divide the forty-fifth regiment of the Mississippi militia, now composing the militia of Choctaw county;

An act to cancel certain payments of taxes therein named, and to require the sheriff of Warren county to collect the same, and for other purposes;

An act for the relief of Louisa Williams and her children;

An act to incorporate the Vanatta lodge, No. 68, of free and accepted masons in the town of Raleigh, in Smith county;

An act for the relief of M. A. Banks, of the county of Simpson;

An act to amend an act entitled an act to amend an act to make valid and confirm the last will and testament of William Wall, of Monroe county, deceased, approved July 26, 1843;

An act providing for the purchase of the book called "North on Probate Courts";

An act to authorize the police court of Claiborne county to erect toll-bridges;

A memorial to the congress of the United States.

Approved 18th February, 1846.

Mr. Labauve presented sundry claims of Philip Poindexter, sheriff of Coahoma county;

Which, on his motion, was referred to the committee on claims.

Mr. Guion asked and obtained leave to the introduction of a bill to be entitled an act relating to a wharf and landing in the city of Vicksburg;

Which was read the first time.

On motion of Mr. Guion,

The constitutional rule was suspended,

And said bill read the second time by its title.

On the further motion of Mr. Guion,

The constitutional rule was further suspended,

And said bill was considered as engrossed, and read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

Mr. Guion, from a select committee to whom had been referred a bill to be entitled,

An act for the relief of Elisha Fox,

Reported said bill back with an amendment;

Which was concurred in.

On motion of Mr. Guion,

The amendment was ordered to be engrossed for a third reading with said bill on to-morrow.

Mr. Labauve offered the following resolution, to-wit:

Resolved, That his excellency the governor be and is hereby requested to lay before this house a statement of the expenditures of the contingent fund for the last two years;

Which was adopted.

The senate proceeded to the consideration of the orders of the day.

A bill to be entitled,

An act to attach the county of Noxubee to the fourth judicial district of this state, and for other purposes,

Was read the third time and passed.

Ordered, That the title thereof be as stated.

Mr. Ramsay called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Acker, Booth, Beene, Boone, Dabney, Guion, Hicks, Lipscomb, Lumpkin, Labauve, Lansdale, Miles, Pegues and Price—14 votes.

Noes—Mr. President, Adams, Briscoe, Durr, Fox, Horne, Metcalf, Ramsay, Stewart, Tillman and Wall—11 votes.

A bill to be entitled,

An act to provide for erecting levees on the banks of the Mississippi river, in Warren county,

Was read the second time.

On motion of Mr. Briscoe,

Said bill was referred to a select committee of three.

Messrs. Briscoe, Guion and Labauve were appointed said committee.

A bill to be entitled,

An act giving power to the circuit and chancery courts to legitimatize bastard children, alter and change names, and for other purposes,

Was read the second time.

On motion of Mr. Wall,

The constitutional rule was suspended,

And said bill was read the third time forthwith.

Mr. Guion moved to lay said bill on the table;

Which was lost.

The question was then had on the passage of said bill, which was decided in the affirmative.

Ordered, That the title thereof be as stated.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bills have examined,

An act for the benefit of the children of William Martin, of Claiborne county;

An act to settle the construction of the 13th section of an act entitled an act to amend the several acts of limitation, approved February, 24th, 1844;

And found them correct.

A bill to be entitled,

An act to change the mode of collecting the revenue of hawkers and pedlars,

Was read the first time.

A bill to be entitled,

An act to increase the fees of certain officers in Tunica county, was read the second time.

On motion of Mr. Labauve,

The constitutional rule was suspended,

And said bill was read forthwith, by title, the third time, and passed.

Ordered, That the title thereof be as stated.

The senate resolved itself into a committee of the whole on a bill to be entitled,

An act to amend the laws of this state in relation to bail in criminal cases;

And after sometime spent therein, the committee rose,

And Mr. Boone reported said bill back without amendment.

On motion of Mr. Boone,

The report was received and agreed to;

And said bill was read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act amendatory of an act to repeal the acts heretofore passed incorporating the city of Jackson, and to define the boundaries and re-incorporate said city, approved February 22d, 1840,

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to repeal an act to prohibit the introduction of slaves into this state as merchandize or for sale, approved May 13th, 1837,

Was read the third time.

Mr. Labauve offered the following amendment by way of ryder, to-wit:

Amend by the way of ryder—

Sec. —. *Be it further enacted*, That any slave introduced into this state as merchandise after the passage of this act, shall be sold on a credit, or it so sold, the person so selling shall have no remedy at law for the collection of any debt so contracted; nor shall any obligation given for the purchase of any slave be transferable for the purpose of giving any such legal remedy to any assignee;

Which was lost.

The question was then had on the passage of said bill, which carried.

Ordered, That the title thereof be as stated.

Mr. Adams, from a select committee, reported a bill to be entitled,

An act for the relief of the lunatic asylum at Lexington, Kentucky;

Which was read the first time.

Mr. Acker moved to reject said bill;

Which was lost.

Mr. Adams called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Acker, Beene, Boone, Durr, Horne and Willburn—6 votes.

Noes—Mr. President, Adams, Briscoe, Booth, Dabney, Fox, Guion, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Lansdale, Metcalf, Miles, Nicholson, Price, Ramsay, Stewart, Tillman, Turner, Wall and Williams—23 votes.

On motion of Mr. Miles,

A bill of the following title was called from the orders of the day, to-wit:

A bill to be entitled,

An act to authorize the auditor of public accounts to remit the damages of thirty per cent. now required to be charged against defaulting tax collectors in certain cases, and to repeal so much of the 34th section of an act entitled an act to reduce into one the several acts in relation to the revenue of this state, approved the 24th of February, 1844, as authorises the sheriffs to collect double taxes.

And forthwith the senate proceeded to the consideration of said bill in committee of the whole;

And after sometime spent therein, the committee rose,

And Mr. Labauve reported back said bill as amended.

On motion of Mr. Labauve,

The report was received.

The question was had on agreeing to said report, which was decided in the affirmative.

Mr. Briscoe called for the ayes and noes, which are as follows, to-wit:

Ayes—Mr. President, Adams, Acker, Booth, Guion, Horne, Labauve, Metcalf, Nicholson, Price, Ramsay, Stewart, Tillman, Turner, Wall and Willburn—16 votes.

Noes—Messrs. Briscoe, Beene, Boone, Dabney, Durr, Fox, Hicks, Lipscomb, Lumpkin, Miles, Pegues and Williams—12 votes.

On motion of Mr. Wall,

Said bill was laid on the table.

Mr. Briscoe, from a select committee to whom was referred a bill to be entitled,

An act to provide for erecting levees on the banks of the Mississippi river, in Warren county,

Reported said bill back with an amendment.

On motion of Mr. Guion,

The report was received, and the amendment concurred in.

On the further motion of Mr. Guion,

Said amendment was considered as engrossed, and read the third time with the bill, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to incorporate the Panola and Delta railroad company,

Was read the second time.

On motion of Mr. Labauve,

The constitutional rule was suspended,

And said bill was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to incorporate the Panola and Delta charcoal road company,

Was read the second time, and,

On motion of Mr. Lumpkin,

The constitutional rule was suspended,

And said bill read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to revive an act to incorporate the Eagle railroad and lumber company,

Was read the second time.

Mr. Lipscomb offered the following resolution, to-wit:

Resolved, That from and after the present day, no claim shall be presented or referred to the committee on claims, without the consent of two-thirds of the senators present;

Which was adopted.

Mr. Lumpkin asked and obtained leave to the introduction of a resolution of the following title, to-wit:

A resolution directing the auditor of public accounts to issue a warrant to Henry Dickinson for his salary;

Which was read the first time.

On motion of Mr. Lumpkin,

The constitutional rule was suspended,

And said resolution was read the second time.

On motion of Mr. Labauve,

The rule was further suspended,

And said resolution was considered as engrossed, and read the third time, and adopted.

Ordered, That the title thereof be as stated.

Resolutions in relation to the payment of the bonds of the state, issued and sold to obtain stock in the Planters' bank,

Was before the senate for engrossment.

Mr. Wall was called to the chair.

Mr. Swann moved that said resolution be engrossed;

Which was lost.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Booth, Guion, Hicks, Lansdale, Miles, Nicholson, Pegues, Ramsay, Stewart, Tillman, Turner, Wall and Williams—14 votes.

Noes—Messrs. Adams, Acker, Briscoe, Beene, Boone, Dabney, Fox, Horne, Lipscomb, Lumpkin, Labauve, Metcalf, Price and Willburn—14 votes.

On motion of Mr. Wall,

The committee of the whole was discharged from the consideration of a bill to be entitled,

An act to incorporate the Holmesville turnpike company.

On motion of Mr. Nicholson,

Said bill was considered as engrossed,

And read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

The following message was received from the house of representatives, through their clerk, Mr. Montgomery, to-wit:

Mr. President—The house of representatives have receded from their amendment to the senate bill entitled,

An act supplemental to an act to define the powers and duties of the board of police of Monroe, Chickasaw and Noxubee counties.

They have concurred in the amendments made by the senate to the house bills of the following titles, viz:

A bill to be entitled,

An act to attach the county of Noxubee to the fourth judicial district of this state;

A bill to be entitled,

An act to repeal an act to prohibit the introduction of slaves into this state as merchandise, or for sale, approved May 13th, 1837.

A bill to be entitled,

An act to reduce the per diem allowance of members of the board of police, probate judges and probate clerks of certain counties therein named;

They have also concurred in the senate amendment to the house resolution granting leave of absence to the judges of the high court of errors and appeals.

They have also passed a memorial from the senate of the following title, viz:

A memorial of the legislature of the state of Mississippi to the congress of the United States.

They have also passed bills as follows:

A bill to be entitled,

An act to repeal the eighth section of an act entitled an act for the suppression of tippling houses, and to discourage and prevent the odious vice of drunkenness;

A bill to be entitled,

An act to amend the laws of this state in relation to unlawful and forcible entry and detainer.

In which they desire the concurrence of the senate.

Mr. PRESIDENT—The house of representatives have passed a bill of the following title, viz:

A bill to be entitled,

An act to change the mode of collecting revenue of hawkers and pedlars;

In which they desire the concurrence of the senate.

The senate resolved itself into committee of the whole on a bill to be entitled,

An act to define the duties of judges of the circuit courts and district attorneys of this state in relation to continuances, change of venue in criminal cases, and for other purposes.

And after sometime spent therein, the committee rose,

And Mr. Durr reported said bill back without amendment.

On motion of Mr. Durr,

The report was received.

The question was had on the engrossment thereof, which was lost.

Mr. Guion called for the ayes and noes, which are as follows, to-wit:

Ayes—Messrs. Briscoe, Beene, Dabney, Fox, Labauve and Tillman—6 votes.

Noes—Mr. President, Adams, Acker, Booth, Boone, Durr, Guion, Horne, Hicks, Lipscomb, Metcalf, Miles, Pegues, Price, Ramsay, Stewart, Turner, Williams and Willburn—19 votes.

Mr. Guion, from the judiciary committee to whom had been referred a bill to be entitled,

An act to repeal the 5th section of an act entitled an act for the more perfect organization of the superior court of chancery,

Reported said bill back without amendment, and recommended the passage thereof.

On motion of Mr. Price,

Said bill was considered as engrossed, and read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to amend the laws of this state, in relation to unlawful and forcible entry and detainer,

Was read the first time.

On motion of Mr. Price,

The constitutional rule was suspended,

And said bill read the second time by title.

On motion of Mr. Price,

Said bill was referred to the judiciary committee.

Mr. Miles, from the judiciary committee to whom had been referred a bill to be entitled,

An act amendatory of an act to reduce the expenditures of the government of the state of Mississippi, approved 14th February, A. D. 1842,

Reported a bill of the following title, in lieu thereof, to-wit:

A bill to be entitled,

An act to change the practice of the circuit courts in this state in relation to juries;

Which report was received and agreed to.

On motion of Mr. Miles,

Said bill was ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act to repeal the 8th section of an act entitled an act for the suppression of tippling houses, and to discourage and prevent the odious vice of drunkenness;

Was read the first time.

The following message was received from the house of representatives, through Mr. Montgomery, their clerk, to-wit:

Mr. President—The house of representatives have passed a memorial to the congress of the United States, concerning certain 16th sections in the Choctaw purchase under the treaty of Dancing Rabbit creek.

In which they desire the concurrence of the senate.

They have passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act for the benefit and relief of the Columbus riflemen.

On motion of Mr. Adams,

The special message of his excellency the governor, in relation to the controversy between the states of Georgia, South Carolina and Louisiana, was referred to the committee on state and federal relations.

A memorial to the congress of the United States to provide for setting apart other lands for the use of schools, in lieu of the 16th sections, in different townships, disposed of to certain Choctaw Indians under the treaty of Dancing Rabbit creek,

Was read the first time.

On motion of Mr. Adams,

The constitutional rule was suspended,

And said memorial was read the second time by title.

On further motion of Mr. Adams,

The constitutional rule was further suspended,

And said memorial was read the third time forthwith, and adopted.

Ordered, That the title thereof be as stated.

The senate resolved itself into committee of the whole on a bill to be entitled,

An act to regulate the practice of the circuit courts of this state in certain cases;

And after sometime spent therein, the committee rose,

And Mr. Wall reported said bill back with an amendment;

Which was received and agreed to.

And said amendment was considered as engrossed, and read the third time with said bill was passed.

Ordered, That the title thereof be as stated.

On motion of Mr. Price,

The senate took a recess until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

The recess having expired,

The senate met.

The following message was received from his excellency the governor through his private secretary:

MR. PRESIDENT—I am instructed by his excellency the governor to inform the senate that he has approved and signed bills of the following titles, which originated in the senate:

An act to settle the construction of the 13th section of an act entitled an act to amend the several acts of limitation, approved February 24th, 1844;

An act to change the name of Morris Schenkloski into that of Morris Price;

An act for the benefit of the children of William Martin, of Claiborne county.

Approved 19th February, 1846.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

MR. PRESIDENT—The joint standing committee on enrolled bills have this day examined bills of the following titles, viz:

An act to amend the laws of this state in relation to bail in criminal cases;

An act in relation to the reporter of the high court of errors and appeals;

An act for the relief of Abner W. Crider, of Copiah county;

An act to incorporate Tappan lodge, No. 49, of free and accepted masons;

An act for the relief of James White;

An act to increase the fees of certain officers in Tunica county;

An act to authorize the board of police of Wilkinson county to compromise or dismiss a certain suit;

An act to remove the civil disabilities of James Z. George, minor, of Carroll county;

An act to change the time of holding the circuit courts in the county of Marshall;

An act to incorporate St. Thomas' Hall, in the town of Holly Springs;

An act to change the time of holding the probate court in the county of Jasper;

An act to authorise Nancy Gowin, administratrix, to transfer the administration of the estate of Meredith Gowin, deceased, from the probate court of Copiah county to the probate court of Simpson county;

An act to incorporate the Tilatoba navigation company, and for other purposes;

An act supplemental to an act to repeal certain laws in relation to the road hands on Honey island, in Holmes county, approved February 5, 1846;

An act to legalise the test of all writs, executions and other legal process in the second judicial district of this state.

An act to dispense with the time prescribed by law for Josephus S. Griffin and Willlam R. Hudnall, of Madison county, attaining the age of majority;

An act for the benefit of Thomas G. Hill, a minor;

An act amendatory of an act to repeal the acts heretofore passed incorporating the city of Jackson, and to define the boundaries and re-incorporate said city, approved February 22d, 1840;

A resolution granting leave of absence to A. B. Dawson;

Memorial to congress in relation to removing obstructions between the Mississippi river and the Gulf of Mexico;

An act to attach the county of Noxubee to the fourth judicial district of this state, and for other purposes;

Resolution granting leave of absence to the judges of the high court of errors and appeals;

And have found the same correctly enrolled.

NATH'L S. PRICE, Chairman.

Mr. Price moved to reconsider the vote rejecting the engrossment of the resolutions in relation to the payment of bonds of the state, issued and sold for stock in the Planters' bank.

Mr. Lansdale moved to call from the orders of the day,

A bill to be entitled,

An act to fix an apportionment of senators and representatives in this state;

Which was lost.

On motion of Mr. Lansdale,

The committee of the whole were discharged from the consideration of resolutions to amend the constitution of the state of Mississippi;

And said resolutions were ordered to be engrossed for a third reading on to-morrow.

The senate resolved itself into committee of the whole, on a bill to be entitled,

An act to provide for the call of a convention to change the constitution of the state of Mississippi;

And after sometime spent therein, the committee rose,

And Mr. Nicholson reported back said bill with an amendment.

On motion of Mr. Nicholson,

The report was received and agreed to.

The question was then had on the engrossment of said bill, which was decided in the affirmative.

Mr. Adams called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Acker, Beene, Boone, Dabney, Guion, Johnson, Lipscomb, Lumpkin, Labauve, Lansdale, Metcalf Nicholson, Pegues, Price, Stewart, Turner, Wall, Williams and Willburn—19 votes.

Noes—Mr. President, Adams, Briscoe, Booth, Durr, Fox, Horne, Hicks, Ramsay and Tillman—10 votes.

Mr. Turner, from a select committee, reported a bill to be entitled,

An act providing for the payment to Jefferson county of a portion of the three per cent. fund;

Which was read the first time.

The senate resolved itself into committee of the whole, on a bill to be entitled,

An act regulating the right of way on the bank of the Mississippi river in this state;

And after sometime spent therein, the committee rose,

And Mr. Boone reported progress, and asked leave to sit again.

On motion of Mr. Boone,

The report was received.

On motion of Mr. Briscoe,

The committee of the whole were discharged from the further consideration of said bill.

On further motion of Mr. Briscoe,

Said bill was referred to a select committee of three.

Messrs. Briscoe and Guion were appointed said committee.

On motion of Mr. Boone,

A bill of the following title was called from the table, and placed on the orders of the day, to-wit:

A bill to be entitled,

An act providing for the sale of the Chickasaw school lands.

The senate refused to resolve itself into committee of the whole on bills of the following titles, to-wit:

A bill to be entitled,

An act to provide for the sale of five hundred thousand acres of land donated to the state of Mississippi by an act of congress approved 6th of September, 1841, and for other purposes;

A bill to be entitled,

An act to provide for the construction of a levee on the Mississippi river for the protection and improvement of the state lands.

On motion of Mr. Price,

The senate adjourned until 9 o'clock to-morrow morning.

FRIDAY, February 20, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Miles presented the petition of James Moore;

Which was read.

Mr. Miles asked and obtained leave to the introduction of

A bill to be entitled,

An act for the benefit of James Moore;

Which was read the first time.

On motion of Mr. Miles,

The constitutional rule was suspended,

And said bill was read the second time by its title.

On the further motion of Mr. Miles,

The bill was considered as engrossed,

And the rule further dispensed with,

And said bill was read the third time forthwith by title, and passed.

Ordered, That the title thereof be as stated.

Mr. Willburn presented the petition of Hardy Benson, a citizen of the county of Yallabusha;

Also, the solicitation of sundry citizens of said county;

Which was read.

On motion of Mr. Willburn,

Said petition and solicitation was referred to a select committee of three.

Messrs. Willburn, Lumpkin and Pegues were appointed said committee.

Mr. Adams asked and obtained leave to the introduction of,

A bill to be entitled,

An act to incorporate Monroe lodge, No. 39, of free and accepted masons, in Perry County;

Which was read the first time.

On motion of Mr. Adams,

The constitutional rule was suspended,

And said bill read the second time by its title.

On the further motion of Mr. Adams,

Said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Landsdale asked and obtained leave to the introduction of,

A bill to be entitled,

An act to incorporate the Lexington & Honey Island turnpike company;

Which was read the first time.

On motion of Mr. Landsdale,

The constitutional rule was suspended,

And said bill read the second time by its title.

On the further motion of Mr. Landsdale,

Said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Pegues asked and obtained leave to the introduction of,

A bill to be entitled,

An act to authorize the commissioner of the seminary fund to issue patents;

Which was read the first time.

On motion of Mr. Pegues,

The constitutional rule was suspended,

And said bill read the second time by its title.

On motion of Mr. Pegues,

Said bill was referred to the committee on the seminary fund.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bills have examined the following bills:

An act incorporating the town of Benton in Yazoo county;

A memorial of the legislature of the state of Mississippi to the congress of tne United States;

An act for the benefit and relief of the Columbus riflemen;

An act supplemental to an act entitled an act to define the powers and duties of the board of police of Monroe, Chickasaw and Noxubee counties;

An act to repeal an act to prohibit the introduction of slaves into the state as merchandise, or for sale, approved May 13th, 1837;

An act to authorize the commissioner of the sinking fund to make compromises with the debtors thereof;

An act to reduce the per diem allowance of members of the board of police, probate judges and probate clerks of certain counties therein named;

An act giving power to the circuit and chancery courts to legitimatize bastard children, alter or change names, and for other purposes;

An act to authorize the board of police of Noxubee county to have transcribed into suitable books certain records in said county;

An act to incorporate Sterling lodge, No. 54, of free and accepted masons;

And have found the same correctly enrolled.

NATH'L. PRICE, Chairman.

The president signed said bills.

The following message was received from the house of representatives, through their clerk, Mr. Montgomery, viz:

MR. PRESIDENT—The speaker of the house of representatives has signed bills of the following titles, viz:

"An act to incorporate Tappan lodge, No. 59, of free and accepted masons;"

An act amendatory of an act to repeal the acts heretofore passed incorporating the city of Jackson, and to define the boundaries and re-incorporate said city, approved Feb. 22d, 1840;"

"An act for the relief of Abner W. Crider, of Copiah county;"

"An act supplemental to an act to repeal certain laws in relation to the road hands in Honey Island, in Holmes county, approved Feb. 5th, 1846;"

"An act to incorporate St. Thomas Hall, in the town of Holly Springs;"

"An act to increase the fees of certain officers in Tunica county;"

"An act for the benefit of Thomas G. Hill;"

"An act to dispense with the time prescribed by law for Joseph F. Griffin and William R. Hudnall, of Madison county, attaining the age of majority;"

"An act to authorize Nancy Gowin, administratrix, to transfer the administration of the estate of Meredith Gowin, deceased, from the probate court of Copiah county to the probate court of Simpson county;"

"An act to legalize the test of all writs, executions and other legal process in the second judicial district of this state;"

"An act to authorize the board of police of Wilkinson county to compromise or dismiss a certain suit;"

"A resolution granting leave of absence to A. B. Dawson;".

"A resolution granting leave of absence to the judges of the high court of errors and appeals;"

"An act to remove the civil disabilities of James Z. George, minor, of Carroll county;"

"An act in relation to the reporter of the high court of errors and appeals;"

"An act to change the time of holding the probate court in the county of Jasper;"

"An act to change the time of holding the circuit courts in the county of Marshall;"

"An act to attach the county of Noxubee to the fourth judicial district of this state, and for other purposes;"

"An act for the relief of James White;"

"An act to incorporate the Tilatoba navigation company, and for other purposes;"

"An act to amend the laws of this state in relation to bail in criminal cases;"

Memorial to congress to remove the obstructions in, and open the pass from the Mississippi river, by way of the Iberville and Amite rivers, into lake Maurepas, and thence through pass Manchac into lake Pontchartrain, so as to connect the gulf of Mexico and the Mississippi river by that channell commonly known as the pass Manchac;

Which I am instructed to present to the senate for the signature of the president.

The house of representatives have passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act supplementary to an act entitled an act to establish an inferior court of chancery in the southern part of this state.

Mr. President—The house of representatives have passed bills of the following titles, viz:

A bill to be entitled,

An act to remove the civil disabilities of Laban B. Harper, minor, of Simpson county;

A bill to be entitled,

An act to change the name of Benj. Lafayette Blackwell to Benj. Lafayette Flowers;

A bill to be entitled,

An act to change the names of Abbey Jane Coffin and Samuel Thompson Coffin;

A bill to be entitled,

An act amendatory of an act to authorize appeals from the decisions of the justices of the peace to the circuit courts, approved

Feb. 22d, 1842;

A bill to be entitled,

An act better to provide for assessing and collecting taxes in certain counties therein named, and for other purposes;

In which they desire the concurrence of the senate.

A bill to be entitled,

Mr. President—The house of representatives have passed bills of the following titles, viz:

A bill to be entitled,

An act for the relief of Curtis Crawford, of Wilkinson county;

A bill to be entitled,

An act to incorporate the Sharon female college, in the town of Sharon, Madison county;

In which they desire the concurrence of the senate.

A bill to be entitled,

An act to define the duties of county surveyors in the state, and to fix their fees;

Was read the third time and passed.

Ordered, That the title thereof be as stated.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. President—The house of representatives have concurred in the amendment made by the senate to the house bill entitled,

An act to provide for erecting levees on the banks of the Mississippi river, in Warren county.

They have passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act to amend an act entitled an act to incorporate the town of Aberdeen, in the county of Monroe, approved May 12th, 1837.

Also, a resolution from the senate directing the auditor of public accounts to issue a warrant to Henry Dickinson for his salary.

The house of representatives have given leave to the introduction of a bill of the following title, viz:

A bill to be entitlled,

An act to amend and define the boundaries of the several counties in this state, passed 29th June, A. D., 1839.

Mr. Lumpkin asked and obtained leave to the introduction of a resolution granting leave of absence to Henry Dickinson;

Which was read the first time.

On motion of Mr. Lumpkin,

The constitutional rule was suspended,

And said resolution was read the second time by its title.

On the further motion of Mr. Lumpkin,

The rule was further suspended,

And said resolution considered as engrossed,

And read the third time and adopted.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to change the mode of collecting revenue of hawkers and pedlars,

Was read the second time.

On motion of Mr. Wall,

Said bill was referred to a select committee of three.

Messrs. Wall, Horne and Nicholson were appointed said committee.

A bill to be entitled,

An act to revise an act to incorporate the Eagle rail-road and lumber company,

Was read the third time and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to repeal the eighth section of an act entitled an act for the suppression of the tippling houses, and to discourage and prevent the odious vice of drunkenness,

Was read the second time.

On motion of Mr. Labauve,

Said bill was laid on the table.

Mr. Briscoe, from a select committee to whom had been referred a bill to be entitled,

An act regulating the right of way on the bank of the Mississippi river, in this state,

Reported said bill back with an amendment.

On motion of Mr, Briscoe,

The report was received, and the amendment concurred in.

On the further motion of Mr. Briscoe,

Said bill as amended was ordered to be engrossed for a third reading on to-morrow.

Mr. Guion asked and obtained leave to the introduction of,

A bill to be entitled,

An act to alter the law of evidence;

Which was read the first time.

On motion of Mr. Guion,

The constitutional rule was suspended;
And said bill read the second time by title.
On the further motion of Mr. Guion,
Said bill was referred to the judiciary committee.
A bill to be entitled,
An act for the relief of Elisha Fox,
Was read the the third time and passed.
Ordered, That the title thereof be as stated.
A bill to be entitled,
An act to provide for assessing and collecting taxes in certain counties therein named, and for other purposes;
Was read the first time.
On motion of Mr. Ramsay,
The constitutional rule was dispensed with,
And said bill was read the second time by title.
On the further motion of Mr. Ramsay,
The rule was suspended,
And said bill read the third time, and passed.
Ordered, that the title thereof be as stated.
A bill to be entitled,
An act amendatory of an act to authorize appeals from the decisions of the justices of the peace to the circuit courts, approved February 22d, 1842,
Was read the first time.
A bill to be entitled,
An act to change the name of Berry Lafayette Flowers,
Was read the first time,
And on motion of Mr. Wall,
The constitutional rule was suspended,
And said bill read the second time by title.
On motion of Mr. Boone,
The rule was further suspended,
And said bill was read the third time, and passed.
Ordered, that the title thereof be as stated.
A bill to be entitled,
An act to change the names of Abbey Jane Coffin and Samuel Thompson Coffin,
Was read the first time.
On motion of Mr. Wall,
The constitutional rule was suspended,

And said bill was read the second time by its title.

On the further motion of Mr. Wall,

The rule was further suspended,

And said bill read the third time and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act to remove the civil disabilities of Laban B. Harper, minor, of Simpson county,

Was read the first time.

On motion of Mr. Lumpkin,

The constitutional rule was suspended,

And said bill was read the second time by its title.

On the further motion of Mr. Lumpkin,

The rule was further suspended,

And said bill read the third time and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act declaring Bayou Tippah a navigabable stream,

Was read the third time and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act to amend the constitution of the state of Mississippi,

Was read the third time and passed.

Ordered, that the title thereof be as stated.

The ayes and noes thereon are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Booth, Beene, Durr Fox, Horne, Hicks, Johnson, Lumpkin, Labauve, Landsdale, Miles Pegues, Price, Ramsay, Stewart, Tillman, Wall, Williams and Willburn—22 votes.

Noes—Messrs. Acker, Boone, Dabney, Guion, Lipscomb, Metcalf, Nicholson and Turner—8 votes.

A bill to be entitled,

An act to establish, at the city of Jackson, a vaccine depot and agency for the state, with a view to the prevention of small pox,

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Booth, Boone, Dabney, Fox,

Guion, Hicks, Lipscomb, Lumpkin, Lansdale, Metcalf, Miles, Nicholson, Ramsay, Stewart, Turner, Williams and Willburn—19 votes.

Noes—Messrs. Acker, Briscoe, Beene, Horne, Johnson, Labauve, Pegues, Price, Tillman and Wall—10 votes.

Mr. Guion, from the judiciary committee to whom was referred a bill to be entitled,

An act to alter the law of evidence,

Reported said bill back without amendment, and recommended its passage.

On motion of Mr. Guion,

The report was received and agreed to.

The question was had on the engrossment thereof, which was lost.

Mr. Miles called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Briscoe, Boone, Dabney, Fox, Guion, Johnson, Lipscomb, Lansdale, Pegues, Ramsay and Tillman—11 votes.

Noes—Mr. President, Adams, Acker, Booth, Beene, Durr, Hicks, Lumpkin, Labauve, Metcalf, Miles, Nicholson, Price, Steuart, Turner, Wall, Williams and Willburn—18 votes.

A bill to be entitled,

An act to incorporate the Sharon female college in the town of Sharon, Madison county, was read the first time.

On motion of Mr. Miles,

The constitutional rule was suspended,

And said bill was read the second time by its title.

On the further motion of Mr. Miles,

The rule was further suspended,

And said bill was read the third time, by its title, and passed.

Ordered, That the title thereof be as stated.

On motion of Mr. Miles,

A bill to be entitled,

An act to repeal an act to secure the collection of jury tax fees, and for other purposes, approved February 24th, 1844,

Was laid on the table.

A bill to be entitled,

An act for the relief of Curtis Crawford, of Wilkinson county,

Was read the first time.

On motion of Mr. Stuart,

The constitutional rule was suspended,
And said bill was read the second time by its title.

On the further motion of Mr. Stuart,
The rule was further suspended,
And said bill read the third time by title, and passed.
Ordered, That the title thereof be as stated.

On motion of Mr. Ramsay,
A bill to be entitled,
An act reducing the fees of certain officers therein named, approved February 10, 1844, so far as relates to the counties of Covington, Wayne, Jones, Clark, Green, Jackson, Harrison, Hancock, Perry and Marion,
Was laid on the table.

Mr. Lumpkin asked and obtained leave to the introduction of a bill to be entitled,
An act supplementary to an act to authorise the governor of the state of Mississippi to appoint commissioners in other states;
Which was read the first time.

On motion of Mr. Lumpkin,
The constitutional rule was suspended,
And said bill was read the second time by its title.
On the further motion of Mr. Lumpkin,
Said bill was considered as engrossed, and the rule further dispensed with,
And said bill read the third time, and passed.
Ordered, That the title thereof be as stated.

On motion of Mr. Adams,
A bill to be entitled,
An act limiting the tenure of certain officers therein named,
Was laid on the table.
A bill to be entitled,
An act to incorporate the pastor, deacons and members of the first Baptist church of Aberdeen,
Was read the second time.

On motion of Mr. Acker,
The constitutional rule was suspended,
And said bill was considered as engrossed, and read the third time forthwith, and passed.
Ordered, That the title thereof be as stated.

On motion of Mr. Adams,

A joint resolution, fixing upon Saturday the 14th instant, for an adjournment sine die of the legislature,

Was laid on the table.

On motion of Mr. Fox,

A bill to be entitled,

An act for the relief of William Nichols,

Was laid on the table.

On motion of Mr. Guion,

A bill to be entitled,

An act to repeal an act entitled an act to prescribe the mode of proceeding against incorporated banks for a violation of their corporate franchises, and against persons pretending to exercise corporate privileges under acts of incorporation, and for other purposes, approved July 26, A. D. 1843,

Was postponed until Monday next.

The senate refused to go into committee of the whole on a bill to be entitled,

An act to authorise the mayor and aldermen of the city of Jackson to erect a bridge across Pearl river, and for other purposes.

A bill to be entitled,

An act authorising John B. Nevitt, William St. John Elliott and P. H. McGraw, commissioners, to raise twenty thousand dollars by lottery,

Was read the second time.

Mr. Lipscomb offered the following amendment, to-wit:

Provided, if said sum cannot be raised by lottery, it may be done by the establishment of farro or rollet tables;

Which was lost.

Mr. Swann offered the following amendment, to-wit:

Amend by adding, at the close of the first section, as follows:

Provided, no action at law shall be sustained to recover the amount of any prize which may be drawn in the lottery hereby authorised.

Which was adopted.

On motion of Mr. Miles,

The amendment was considered as engrossed, and the rule dispensed with,

And said bill and amendment was read the third time, and lost.

Mr. Adams called for the ayes and noes on said bill, which are as follows, to-wit:

Ayes—Mr. President, Briscoe, Fox, Guion, Lumpkin, Labauve, Lansdale, Miles, Nicholson, Price, Ramsay, Stuart, Turner and Williams—14 votes.

Noes—Messrs. Adams, Acker, Booth, Beene, Boone, Dabney, Durr, Horne, Hicks, Johnson, Lipscomb, Metcalf, Pegues, Tillman, Wall and Willburn—16 votes.

A bill to be entitled,

An act for the relief of John Huffman, of Carroll county,

Was read the second time.

On motion of Mr. Turner,

'Eight,' in said bill, before the word 'hundred,' was struck out, and in lieu thereof 'four' inserted.

And said bill, as amended, was ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act to provide, in part, for the payment of the Planters' bank bonds,

Was read the third time.

Mr. Lipscomb offered the following amendment by way of ryder, to-wit:

Provided, that such payment shall be made pro rata among the holders of said bonds and coupons, *now due;*

Which was adopted.

And said bill, with its ryder, put on its final passage, and carried.

Ordered, That the title thereof be as stated.

Mr. Briscoe called for the ayes and noes, which are as follows, to-wit:

Ayes—Mr. President, Booth, Boone, Durr, Guion, Hicks, Lipscomb, Lansdale, Metcalf, Miles, Nicholson, Pegues, Ramsay, Stuart, Turner, Wall and Williams—17 votes.

Noes—Messrs. Adams, Acker, Briscoe, Beene, Dabney, Fox, Horne, Johnson, Lumpkin, Labauve, Price, Tillman and Willburn—13 votes.

A bill to be entitled,

An act to repeal a part of an act entitled an act to attach a part of Perry county to the county of Harrison, approved January 24, 1844,

Was read the third time forthwith and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act for the construction and repairing of levees in the county of Issaquena,

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

The following message was received from his excellency the governor through his private secretary:

To the senate:

In obedience to a resolution passed on the 19th instant, I have the honor to submit to the senate "a statement of the expenditures of the contingent fund for the last two years."

A. G. BROWN.

EXECUTIVE CHAMBER,

City of Jackson, 20th Feb., 1846.

A. G. Brown, governor, &c., in account with the executive contingent fund for the years 1844 *and* 1845.

1844.		*Debtor.*		
January	13	To auditor's warrant for (1842--'3)	7	50
"	24	" auditor's warrant for (1842--'3)	150	
February	15	" auditor's warrant for	50	
"	28	" auditor's warrant for	300	
March,	8	" auditor's warrant for	48	
"	27	" auditor's warrant for	157	50
"	22	" auditor's warrant for	12	
April,	2	" auditor's warrant for	20	
"	3	" auditor's warrant for	291	51
"	19	" auditor's warrant for (1842'--3)	8	
"	19	" auditor's warrant for (1842--'3)	50	
May,	2	" auditor's warrant for	100	
"	3	" auditor's warrant for (1842--'3)	10	
"	14	" auditor's warrant for	22	
"	16	" auditor's warrant for	200	
"	20	" auditor's warrant for	208	
June,	4	" auditor's warrant for	20	
"	4	" auditor's warrant for (1842--'3)	15	
"	7	" auditor's warrant for	24	
"	10	" auditor's warrant for (1842--'3)	36	
"	17	" auditor's warrant for	30	
"	18	" auditor's warrant for	10	
"	22	" auditor's warrant for	10	
July,	2	" auditor's warrant for	300	

A. G. Brown, governor, &c., in account with executive contingent fund for 1844 *and* 1845—CONTINUED.

1844.		*Debtor.*		
July	6	" auditor's warrant for	20	
"	19	" auditor's warrant for	200	
"	29	" auditor's warrant for	65	
"	29	" auditor's warrant for	200	
August	9	" auditor's warrant for	50	
Septemb'r	11	" auditor's warrant for	50	
October	2	" auditor's warrant for	400	
"	9	" auditor's warrant for	30	
"	26	" auditor's warrant for	7	50
November	1	" auditor's warrant for	100	
"	2	" auditor's warrant for	160	
"	8	" auditor's warrant for	66	25
"	12	" auditor's warrant for	34	3
"	22	" auditor's warrant for	45	50
December	4	" auditor's warrant for	71	50
"	5	" auditor's warrant for	10	50
"	5	" auditor's warrant for	40	
"	8	" auditor's warrant for	8	
"	8	" auditor's warrant for	58	
"	16	" auditor's warrant for	40	
"	21	" auditor's warrant for	16	35
"	26	" auditor's warrant for	200	
1845.				
January	7	" auditor's warrant for	104	50
"	7	" auditor's warrant for	543	43
"	24	" auditor's warrant for	110	
"	16	" auditor's warrant for	31	50
"	22	" auditor's warrant for	6	
"	28	" auditor's warrant for	30	
"	29	" auditor's warrant for	10	
February	10	" auditor's warrant for	704	
"	22	" auditor's warrant for (1842--'3)	152	50
"	22	" auditor's warrant for	2,500	
July	22	" auditor's warrant for	18	54
August	11	" auditor's warrant for	16	
		To whole amount drawn,	$8,166	78
		By whole amount paid,	7,361	10
		To balance on hand this day,	$806	68

E. E.

February 20th, 1846.

A. G. BROWN.

A. G. Brown, governor, &c., in account with executive contingent fund for the years 1844 and 1845—CONTINTED.

1844.		*Credit.*	
January	16	By amount paid W W Leland for printing,	7 50
"	25	amount paid J W Dunn for arresting fugitive,	150 00
February	—	amount paid in liquidation of sundry small accounts,	44 00
"	28	amount paid E Dowsing for pursuing fugitive,	300 00
March	12	amount paid A Virden on books sent the state,	8 50
		discount on warrant sold at 70 cents per dollar,	15 00
"	17	amount paid James Bolton for work on public buildings,	44 00
"	19	amount paid for maps for locating agents,	48 00
"	19	discount on one hundred dollar warrant sold at sixty-seven,	33 00
"	22	amount paid for maps for locating agents,	12 00
April	3	amount of postage for one quarter, 1844,	192 31
"	3	discount on warrants to pay the above,	96 20
"	3	amount paid Jackson fire company,	20 00
"	4	amount paid Downs & Robinson,	10 00
		amount paid A J Edmonson for land maps,	8 00
"	19	amount paid for pursuing fugitive to E M Fisk,	50 00
May	2	amount paid for same purpose to E M Fisk,	100 00
"	3	amount paid for conveying arrested fugitive from Jackson to Columbus,	50 00
"	3	amount paid for expenses on state arms,	10 00
"	14	amount paid Walter Hickey for printing,	22 00
"	16	amount paid Gideon Fitz for maps,	25 00
		amount paid Samuel Matthews as per receipt,	4 00
"	20	amount paid Price & Rohrer for printing,	208 00
"	20	amount paid Price & Rohrer for printing,	79 22

"	23	amount paid W B Tebo for printing,	10	
"	23	amount paid W P Harris and myself for expenses to Natchez on state business, $30 each,	60	
June	3	amount paid W M Smyth for printing governor's proclamations,	35	
"	5	amount paid Avery & Hartwell for materials used about the capitol,	14	88
"	7	amount paid Vicksburg railroad for freight on books, &c.	9	53
"	6	amount paid Holly Springs Guard for printing proclamation,	24	
"	10	amount paid Samuel Lewis, of Texas, for printing proclamation,	36	
"	10	amount paid for expenses of examing records at Raymond,	10	
		amount paid for work on the capitol,	2	50
"	10	amount paid W M Smyth for printing proclamation,	10	
July		amount paid to clerk of Carroll circuit court,	3	
"	1	amount paid Raleigh (North Carolina) Star for printing proclamation,	5	
"	6	postage account to H. Hobbs,	139	79
"	6	amount paid Eastern Clarion,	20	
		amount paid for arresting Calvin Honea, a fugitive charged with murder,	200	
		amount paid for arrest of Tilman Honea, do do do,	200	
"	29	amount paid William M Smyth for printing,	65	
August	10	amount paid to Henry Smith for records,	25	
"	20	amount paid "Radical Democrat,"	5	
September	8	amount paid New Orleans Courier for printing,	40	
		amount paid for work on capitol,	6	
"	9	amount paid John Kittrell for same,	15	
"	11	discount on warrants,	12	
"	20	amount paid for cleaning state arms and military expenses,	100	
October	5	amount paid Jonathan Kittrell for work on the capitol,	11	70
		amount paid servant for do do,	2	

A. G. Brown, governor, &c., in account with the executive contingent fund for 1844 *and* 1845—CONTINUED.

1844.		*Credit.*			
October	5	By amount paid for postage to H Hobbs,	331	65	
"	5	discount on warrants,	84		
"	9	amount paid Columbus Democrat,	30		
"	24	amount paid W B Tebo for printing,	8		
"	26	amount paid Tuscaloosa Flag,	10		
November	2	amount paid William M. Smyth for printing,	160		
"	7	amount paid Lewis & Jones for printing,	7	87	
"	8	amount paid Holly Springs Guard,	66	25	
"	22	amount paid Vicksburg Sentinel,	45	50	
"	27	amount paid for repairs to capitol,	4	50	
December	4	amount paid Worthington & Barksdale, of the Columbus Democrat,	71	50	356
"	5	amount paid Brown & Palmer ("Southron" office,)	10	50	
"	5	amount paid Coleman & Cocke, as per account,	40		
"	8	amount paid John Revell, as per account,	8		
"	10	amount paid Laughlin & Searles,	6		
"	16	amount paid Eastern Clarion,	58	62	
"	16	amount paid William Gibbon, as per account,	40		
"	20	amount New Orleans Jeffersonian for printing,	12		
"	26	discount on warrants,	20		
"	31	amount paid for freight, &c., &c., on state arms,	3	60	
1845.					
January		amount paid H Hobbs, 4 quarters, 1844,	189	15	
"	4	freight on state arms for 1844,	24	25	
"	6	amount paid Doniphan, as per account, for 1844,	104	50	

"	22	amount paid J J Choate for 1844,	6	
"	22	amount paid Pensacola Gazette, for 1844,	18	84
February	22	amount paid Rowdon, Wright, Hatch & Co. (1842--'3,)	152	50
January	6	amount paid in 1845 to Doniphan,	31	50
"	7	amount paid for attorney's fee for attending to land claim at Washington,	500	
"	24	amount paid R. J. Dunn for military books,	100	
"	24	discount on warrants,	54	48
"	28	amount paid register at Grenada for maps,	30	
		amount paid W W Yerby,	10	
February	8	amount paid David Daley as per account,	11	75
March	19	amount paid Jackson fire company,	20	
"	26	amount paid W G Blake for work on capitol,	50	
April	3	amount paid H Hobbs for postage for one quarter, 1845,	229	28
"	3	amount paid E P Howe for printing,	6	
"	4	amount paid D H Dickson for sevices as militia drill master,	50	
"	5	amount paid Cescone for maps,	7	50
"	6	amount paid for expnses to Grenada, state business,	30	
"	15	amount paid D H Dickson as drill master,	42	
"	15	amount paid J C Revell for writing,	3	50
"	19	amount paid for J D Freeman's expenses,	32	75
"	22	amount paid William Hunley for maps,	24	50
"	26	amount paid for repairing capitol roof,	50	
May	6	amount paid for attorney general's expenses,	16	
"	7	amount paid William Stamps, as per account,	13	50
June	18	amount paid Jones for printing,	7	50
		amount paid Smith & Chapman for printing,	4	

A. G. Brown, governor, &c., in account with the executive contingent fund for 1844 *and* 1845—CONTINUED.

1845.		*Credit.*	
June	19	By amount paid J F Ford for printing,	21
"	20	amount paid on account of militia,	176 50
"	23	amount paid J D Freeman, as per account,	70
"	23	amount William M Smyth, as per account,	23
"	29	amount for work on capitol,	3 50
July	1	amount for postage to H Hobbs, two quarters, 1845,	176 33
"	5	amount paid J M Duffield, as per account,	105
"	8	amount S R Adams for printing,	13 50
"	9	amount paid Worthington & Barksdale,	12 50
"	14	amount paid Morrell & Stafford for printing,	15
August	2	amount paid Mobile Register,	16
"	5	amount paid exchange on draft,	6
		amount paid library fund to make up a draft for $300,	22
"	13	amount paid Dr Pickett, as per account,	20
"	13	amount paid Dr Morgan, as per account,	20
"	16	amount William Nichols, as per account—state capitol,	174 37
"	28	amount paid on books for the state,	9 62
September		amount paid Samuel Matthews, for E P Howe, for printing,	9
"	26	amount paid for freight on state arms,	10
October	1	amount paid for postage to H Hobbs, three quarters, 1845,	158 07
"	15	amount paid W W Yerby for expenses at Carroll court,	46
"	16	amount paid William Nichols for repairing capitol,	126 65
"	21	amount paid William M Smyth for printing,	4
"	22	amount paid John D Freeman, attorney general, for expenses,	30

"	23	amount paid railroad depot,	1 25
Nosember	3	amount paid for stationery,	2 50
"	7	amount paid W B Tebo for printing,	6
"	10	amount paid Mrs Rainey in part for making carpet for the house of representatives,	50
"	11	amount paid for recording sundry public documents,	30
"	12	amount paid Laughlin & Searles for freight,	3 30
"	15	amount paid W W Yerby, as per account;	40
"	17	amount paid James Smith for maps,	20
"	25	amount paid for books and stationery,	3 75
December	3	amount paid William Shannon for printing,	6
"	6	amount paid East Mississippian,	10
"	9	amount paid Cohea & Gouvenor for printing,	6
"	11	amount paid for work on capitol,	23
"	31	amount paid Jackson depot,	11 25
January	23	amount paid Vicksburg Sentinel, for printing,	15
			$6,933 10
1846			
January		amount paid out since January 1, 1846,	428
			$7,361 10

In 1845, I drew a large amount of warrants, and had them cashed at the treasury, to avoid the payment of heavy discounts when there should be no funds on hand to cash warrants as they were drawn. The unexpended balance of this fund, thus drawn, is in my hands, subject to the payment of expenses in 1845. Of the warrants issued in 1844, as exhibited by the auditor's books, $655 31, were drawn by governor Tucker before I came into office. The above account exhibits only such as were drawn by myself.

A. G. BROWN.

On motion of Mr. Tillman,

Said message and the accompanying statement was laid on the table.

Mr. Lumpkin moved to print 200 copies thereof;

Which was lost.

The following message was received from the house of representatives, through their clerk, Mr. Montgomery, to-wit:

Mr. President—The house of representatives have passed a bill of the following title, viz:

A bill to be entitled,

An act prohibiting the license of certain ferries upon the Chickasahay river, in Greene county, and for other purposes;

In which they desire the concurrence of the senate.

They have passed a resolution from the senate, granting leave of absence to Henry Dickinson.

Also, from the senate, bills of the following titles, viz:

A bill to be entitled,

An act to incorporate the town of Paulding, in Jasper county;

A bill to be entitled,

An act for the benefit of James Moore.

A bill to be entitled,

An act prohibiting the license of certain ferries upon the Chickasawhay river, in Green county, and for other purposes,

Was read the first time.

On motion of Mr. Ramsay,

Said bill was laid on the table.

On motion of Mr. Turner,

A bill to be entitled,

An act providing for the payment to Jefferson county of a portion of the three per cent. fund,

Was called from the orders of the day,

And read the second time.

Mr. Boone offered the following amendment, to-wit:

Amend, by adding to first section,

Provided, that the treasurer shall pay such funds *only*, as were received in payment of the three per cent fund, and are now in the treasury, subject to distribution among the several counties;

Which was adopted.

And the question was had on the engrossment thereof;

Which was lost.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bills, have this day presented to his excellency the governor for his approval and signature, bills of the following titles, viz:

Memorial to congress in relation to removing obstructions between the Mississippi river and the gulf of Mexico;

Resolution granting leave of absence to the judges of the high court of errors and appeals;

A resolution granting leave of absence to A. B. Dawson;

An act to incorporate Tappan lodge, No. 59, of free and accepted masons;

An act for the relief of James White;

An act in relation to the reporter of the high court of Errors and appeals;

An act to change the time of holding the probate court in the county of Jasper;

An act to change the time of holding the circuit courts in the county of Marshall;

An act to attach the county of Noxubee to the fourth judicial district of this state, and for other purposes;

An act to remove the civil disabilities of James Z. George, minor, of Carroll county;

An act to amend the laws of this state in relation to bail in criminal cases;

An act to incorporporate the Tilatoba navigation company, and for other purposes;

An act to increase the fees of certain officers in Tunica county;

An act for the benefit of Thomas G. Hill, a minor;

An act to authorize the board of police of Wilkinson county to compromise or dismiss a certain suit;

An act to legalize the test of all writs, executions and other legal process, in the second judicial district of this state;

An act to authorize Nancy Gowin, administratrix, to transfer the the administration of the estate of Meredith Gowin, deceased, from the probate court of Copiah county to the probate court of Simpson county:

And act to dispense with the time prescribed by law for Josephus F. Griffin and William R. Hudnall, of Madison county, attaining the age of majority;

An act for the relief of Abner W. Crider, of Copiah county;

An act amendatory of an act to repeal the acts heretofore passed incorporating the city of Jackson, and to define the boundaries and re-incorporate said city, approved Feb. 22d, 1840;

An act to incorporato St. Thomas hall, in the town of Holly Springs;

An act supplemental to an act to repeal certain laws in relation to the road hands in Honey Island, in Holmes county, approved February 5th, 1846.

NATH'L S. PRICE, Chairman.

A bill to be entitled,

An act to establish and carry into operation a state lunatic hospital in the city of Jackson,

Was read the third time and passed.

Ordered, That the title thereof be as stated.

On motion of Mr. Adams,

The senate adjourned until 7 o'cloek, P. M.

7 O'CLOCK, P. M.

The recess having expired,

The senate met.

Mr. Williams moved an adjournment until to-morrow morning 9 o'clock;

Which was lost.

Mr. Adams moved an adjournment until to morrow morning, 9 o'clock;

Which was lost.

Mr. Turner, from a select committee, made the following report, to-wit:

The committee to whom was referred the resolution to enquire into the propriety of refunding to the hon. W. L. Sharkey, one of the judges of the high court of errors and appeals, have investigated and considered of the facts of the case; and they are in substance, as follows, viz:

The wife of judge Sharkey, having been long in a state of ill health, left this state for Cincinnati, about the beginning of June

last, to obtain the advice of a medical friend, at or near that city. The judge remained at home until near the middle of August; about which time he received a letter informing him of his wife's serious indisposition. He left home, and remained in Cincinnati until about the 10th or 12th September, when he started home, and owing to low water, was near a month on the way, being compelled to take St. Louis in the route, after being compelled to change boats in the Ohio river, as Mrs. Sharkey was too unwell to leave the boat, at the mouth of the Ohio.

The above facts the committee have in a written communication from the judge himself. Your committee are therefore of opinion that judge Sharkey is entitled to relief in the premises, and ask leave to report a bill for his relief; all which is respectfully submitted;

Which report was received.

Mr. Turner accompanied said report with,

A bill to be entitled,

An act for the relief of William L. Sharkey:

Which was read the first time.

Mr. Miles asked and optained leave to the introduction of,

A bill to be entitled,

An act to regulate the practice and proceedings in the action of ejectment, and for other purposes;

Which was read the first time.

On motion of Mr. Miles,

The constitutional rule was suspended,

And said bill was read the second time by title.

On the further motion of Mr. Miles,

Said bill was committed to the whole house and made the order of the day for Monday next.

On motion of Mr. Dabney,

The vote taken on to-day respecting,

A bill to be entitled,

An act authorizing John B. Nevitt, William St. John Elliott and P. H. McGraw sommissioners to raise twenty thousand dollars by lottery,

Was re-considered;

And said bill was put on its final passage and carried.

Ordered, That the title thereof be as stated.

Mr. Lipscomb called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Briscoe, Dabney, Fox, Guion, Labauve, Miles, Nicholson, Price, Ramsay, Stewart, Turner and Williams—13 votes.

Noes—Messrs. Adams, Acker, Booth, Beene, Boone, Durr, Lipscomb, Metcalf, Tillman, Wall and Wilburn—11 votes.

Mr. Guion gave notice that he would on to-morrow, move to reconsider the vote taken on to-day, on the engrossment of,

A bill to be entitled,

An act providing for the payment to Jefferson county of a portion of the three per cent. fund.

The senate reoslved itself into committee of the whole on,

A bill to be entitled,

An act to provide for the sale of the five hundred thousand acres of land donated the state of Mississippi, by an act of congress approved 6th Sept., A. D. 1841, and for other purposes;

And after some time spent therein, the committee rose, and Mr. Adams reported progress, and asked leave to sit again on Monday next at 11 o'clock, A. M.

On motion of Mr. Adams,

The report was received and agreed to.

On motion of Mr. Price,

The motion entered on yesterday to reconsider the vote respecting the engrossment of the resolution in relation to the payment of the bonds of the state issued and sold for stock in the Planters' bank,

Was postponed until Monday next.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

MR. PRESIDENT—I am instructed by the house to inform the senate that in consequence of the indisposition of the speaker, the house of representatives have chosen the hon. James W. Wade, a member thereof from the county of Holmes, as their speaker pro tempore.

The speaker of the house has signed bills which originated in the house of representatives of the following titles. viz:

"An act to repeal an act to prohibit the introduction of slaves into this state as merchandize, or for sale, approved May 13, 1837;"

An act to authorise the commissioners of the sinking fund to make compromises with the debtors thereof;

An act to reduce the per diem allowance of members of the board of police, probate judges and probate clerks of certain counties therein named;

An act to incorporate Sterling lodge, number fifty-four, of free and accepted masons;

An act giving power to the circuit and chancery courts to legitimatise bastard children, alter or change names, and for other purposes;

An act to authorise the board of police of Noxubee county to have transcribed into suitable books certain records in said county;

Which I am instructed to present to the senate for the signature of the president.

He has also signed bills which originated in the senate of the following titles:

An act for the benefit and relief of the Columbus riflemen;

An act supplemental to an act entitled an act to define the powers and duties of the board of police of Monroe, Chickasaw and Noxubee counties;

An act to incorporate the town of Benton, in Yazoo county;

A memorial of the legislature of the state of Mississippi to the congress of the United States.

The house of representatives have passed bills from the senate of the following titles, to-wit:

A bill to be entitled,

An act to incorporate the Holmesville turnpike company;

A bill to be entitled,

An act to incorporate the Southern railroad company;

And have made an amendment thereto by way of ryder;

In which I am instructed to desire the concurrence of the senate.

The president signed said bills.

The senate refused to resolve itself into committee of the whole on a bill to be entitled,

An act to provide for the construction of a levee on the Mississippi river, for the protection and improvement of the state lands,

Mr. Labauve moved an adjournment until to-morrow morning, 9 o'clock;

Which was lost.

The senate took up the message last received from the house of representatives.

On motion of Mr. Guion,

The senate concurred in the amendment made by the house of representatives to a bill from the senate to be entitled,

An act to incorporate the Southern railroad company.

Mr. Williams called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Booth, Boone, Durr, Fox, Guion, Hicks, Lipscomb, Lumpkin, Labauve, Metcalf, Miles, Nicholson, Pegues, Price, Ramsay, Stuart, Tillman, Turner, Wall and Willburn—23 votes.

Noes—Messrs. Acker, Beene, Dabney, Johnson, Lansdale and Williams—6 votes.

The senate resolved itself into committee of the whole, on a bill to be entitled,

An act to fix an apportionment of senators and representatives in this state;

And after sometime spent therein, the committee rose,

And Mr. Miles reported progress, and asked leave to sit again on to-morrow at 11 o'clock, A. M.

On motion of Mr. Miles,

The report was received and agreed.

On motion of Mr. Guion,

The senate adjourned until to-morrow morning 9 o'clock.

SATURDAY, FEBRUARY 21, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Willburn, from a select committee, reported a bill to be entitled,

An act to authorise Hardy Benson to construct a mill-dam across the Yocknapataffa river;

Which was read the first time.

On motion of Mr. Willburn,

The constitutional rule was suspended,

And said bill read the second time by its title.

On the further motion of Mr. Willburn,

The constitutional rule was further suspended,

And said bill was considered as engrossed, and read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

Mr. Miles asked and obtained leave to the introduction of a bill to be entitled,

An act to provide for the appointment of guardians in certain cases;

Which was read the first time.

On motion of Mr. Miles,

The constitutional rule was dispensed with,

And said bill read the second time by its title.

On the further motion of Mr. Miles,

The rule was further suspended,

And said bill considered as engrossed, and read the third time, and passed.

Ordered, that the title thereof be as stated.

Mr. Miles asked and obtained leave to the introduction of a bill to be entitled,

An act the better to preserve the state records;

Which was read the first time.

On motion of Mr. Miles,

The constitutional rule was suspended,

And said bill was read the second time by title.

On the further motion of Mr. Miles,

Said bill was referred to the committee of the whole, and made the order of the day for Tuesday next.

Mr. Labauve called from the table a bill to be entitled,

An act for the relief of Henry F. Bennett;

Which was read the third time, and lost.

Mr. Durr called from the table a bill to be entitled,

An act for the relief of William Nichols;

Which was read.

Mr. Durr offered the following amendment, to-wit:

Amend fifth line by striking out the word forty and insert ninety-

four, so as to read twelve hundred and ninety-four dollars and forty cents;

Which was adopted.

On motion of Mr. Labauve,

Said bill was laid on the table.

On motion of Mr. Labauve,

The orders of the day were suspended.

Mr. Labauve called from the table a bill to be entitled,

An act to repeal the 7th section of an act to authorise Andrew Kerr to make a turnpike road in the county of Tunica;

Which was read the second time.

Mr. Labauve offered the following bill as a substitute therefor, to-wit:

Amend the senate bill:

A bill to be entitled an act to amend an act entitled an act to authorise Andrew Kerr to make a turnpike road in the county of Tunica.

Sec. 1. *Be it enacted by the legislature of the state of Mississippi,* That no other roads shall be chartered running parallel within ten miles of said turnpike road authorised to be constructed by said Kerr under the act approved 21st February, 1840.

Sec. 2. *Be it further enacted,* That if any person or persons shall wilfully injure or destroy any part of said road, bridges or other fixtures connected with the road to be constructed by said Kerr under the act of 1840, or any of his works, such person so offending shall for every such offence, be liable for all such damages occasioned thereby, and may be prosecuted against by indictment on information at any time within twelve months after said offence be committed, and be punished by fine not exceeding one thousand dollars, and imprisonment not exceeding six months, at the discretion of the court.

Sec. 3. *Be it further enacted,* That if any person or persons shall pass the said turnpike gate or gates without paying the toll authorised to be charged, with a view of defrauding the said Kerr, his heirs or assigns, the sum of ten dollars, recoverable before any justice of the peace of this state.

Sec. 4. *Be it further enacted,* That the seventh section of the original charter compelling the road to be finished within five years from the passage of said law be and is hereby repealed.

Sec. 5. *Be it further enacted,* That the said Kerr, his heirs or assigns, at his or their discretion, may build a railroad, after the most approved plan of those now in use, commencing at Peyton, in Tunica county, and running to the same point on Cold Water as the turnpike charter provides, subject to the same benefits and restrictions provided for in his charter for the said turnpike road, except the charges for toll, which shall not exceed one dollar and fifty cents for passengers, and for children half that price; thirty cents per hundred pounds freight, and other descriptions of property in the same ratio.

Sec. 6. *Be it further enacted,* That said road be exempt from taxation, and that this act take effect from and after its passage.

And the question was had on the substitution thereof;

Which was lost.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. PRESIDENT—The joint standing committee on enrolled bills have presented to his excellency the governor bills of the following titles, for his approval and signature:

An act supplemental to an act entitled an act to define the powers and duties of the board of police of Monroe, Chickasaw and Noxubee counties;

An act incorporating the town of Benton, in the county of Yazoo;

A memorial of the legislature of the state of Mississippi to the congress of the United States;

An act for the benefit and relief of the Columbus riflemen.

Mr. Guion asked and obtained leave to the introduction of a bill to be entitled,

An act making compensation to the commissioner, ex officio, of public buildings;

Which was read the first time.

On motion of Mr. Guion,

The constitutional rule was suspended,

And said bill read the second time by title.

On the further motion of Mr. Guion,

Said bill was referred to the committee of the whole, and made the order of the day for Monday next.

Mr. Lumpkin asked and obtained leave to the introduction of a resolution granting leave of absence to the hon. Stephen Cocke;

Which was read the first time.

On motion of Mr. Lumpkin,

The constitutional rule was suspended,

And said resolution read the second time by title.

On the further motion of Mr. Lumpkin,

The rule was further suspended,

And said resolution was considered as engrossed, and read the third time, and adopted.

Ordered, That the title thereof be as stated.

Mr. Ramsay called from the table a bill to be entitled,

An act reducing the fees of certain officers therein named, approved February 10th, 1844, so far as relates to the counties of Covington, Wayne, Jones, Clarke, Green, Jackson, Harrison, Hancock, Perry and Marion.

Mr. Fox moved to refer said bill to a committee of three;

which was lost.

On motion of Mr. Adams,

Said bill was committed to the committee of the whole house forthwith;

And after sometime spent therein, the committee rose,

And Mr. Turner reported said bill with an amendment.

On motion of Mr. Turner,

The report was received and agreed to;

And said bill, as amended, was ordered to be engrossed for a third reading on Monday next.

A bill to be entitled,

An act amendatory of an act to authorise appeals from the decisions of the justices of the peace to the circuit courts, approved February 22d, 1842,

Was read the second time.

The senate refused to resolve itself into committee of the whole on a bill to be entitled,

An act to fix an apportionment of senators and representatives in this state.

A bill to be entitled,

An act to incorporate the Lexington & Honey Island turnpike company,

Was read the third time, and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act for the relief of John Huffman, of Carroll county,

Was read the third time, and passed.

Ordered, that the title thereof be as stated.

Mr. Price, from the committee on enrolled bills, made the following report, viz:

Mr. PRESIDENT—The joint standing committee on enrolled bills have examined,

An act better to provide for assessing and collecting taxes in certain counties therein named, and for other purposes;

An act to remove the civil disabilities of Laban B. Harper, minor, of Simpson county;

An act to change the names of Abbey Jane Coffin and Samuel Thompson Coffin;

An act for the relief of Carter Crawford, of Wilkinson county;

An act to incorporate the Panola and Delta railroad company;

An act to provide for erecting levees on the banks of the Mississippi river, in Warren county;

An act to incorporate the Panola and Delta charcoal road company;

An act to change the name of Berry Lafayette Blackwell to Berry Lafayette Flowers;

Memorial to the congress of the United States;

An act to incorporate the Sharon female college in the town of Sharon, Madison county;

And have found the same correctly enrolled.

NATH'L S. PRICE, Chairman,

A bill to be entitled,

An act to incorporate the Monroe lodge, No. 39, of free and accepted masons, of Perry county,

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act regulating the right of way on the bank of the Mississippi river in this state,

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

Mr. President—The speaker of the house of representatives has signed bills, which originated in the house, of the following titles, viz:

An act to incorporate the Panola and Delta railroad company;

An act to remove the civil disabilities of Laban B. Harper, minor, of Simpson county;

An act for the relief of Curtis Crawford, of Wilkinson county;

An act to change the names of Abbey Jane Coffin and Samuel Thompson Coffin;

Memorial to the congress of the United States;

An act to provide for erecting levees on the banks of the Mississippi river, in Warren county;

An act better to provide for assessing and collecting taxes in certain counties therein named, and for other purposes;

An act to incorporate the Sharon female college in the town of Sharon, in Madison county;

An act to change the name of Berry Lafayette Flowers;

An act to incorporate the Panola and Delta charcoal road company;

Which I am instructed to present to the senate for the signature of the president.

The president signed said bills.

The following message was received from the house of representatives, through Mr. Montgomery, their clerk, to-wit:

Mr. President—The house of representatives have given leave to the introduction of bills of the following titles, viz:

A bill to be entitled,

An act to change the name of Abbey Jane Coffin and Samuel Thompson Coffin;

A bill to be entitled,

An act to improve the navigation of Pearl river near Holmes' bayou.

The senate resolved itself into committee of the whole on a bill to be entitled,

An act to provide for the construction of a levee on the Mississippi river, for the protection and improvement of the state lands;

And after sometime spent therein, the committee rose,

And Mr. Lipscomb reported said bill without amendment.

On motion of Mr. Lipscomb,

The report was received and agreed to.

The question was then had on the engrossment of said bill;

Which was lost.

Mr. Guion called for the ayes and noes thereon, which are as follows:

Ayes—Mr. President, Adams, Briscoe, Durr, Guion, Hicks, Labauve, Metcalf, Miles, Ramsay, Turner and Wall—12 votes.

Noes—Messrs. Acker, Booth, Beene, Boone, Dabney, Fox, Johnson, Lipscomb, Lumpkin, Lansdale, Nicholson, Pegues, Price, Stewart, Tillman and Willburn—16 votes.

On motion of Mr. Briscoe,

A bill of the following title, in committee of the whole, was postponed until Monday next, to-wit:

A bill to be entitled,

An act to amend an act entitled an act to prescribe the mode of proceeding against incorporated banks for a violation of their corporate franchises, and against persons pretending to exercise corporate privileges under acts of incorporation, and for other purposes, approved July 26, A. D. 1843.

A bill to be entitled,

An act for the relief of the lunatic asylum at Lexington, Kentucky,

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act to provide for the election of clerk of the superior court of chancery of the state of Mississippi,

Was read the second time.

Mr. Miles moved the indefinite postponement thereof;

Which was lost.

Mr. Lansdale called for the ayes and noes thereon, which are as follows:

Ayes—Messrs. Booth, Durr, Guion, Lipscomb, Lumpkin, Lansdale, Metcalf, Miles, Nicholson, Pegues, Ramsay, Stewart, Turner, Wall and Williams—15 votes.

Noes—Mr. President, Adams, Acker, Briscoe, Beene, Boone, Dabney, Fox, Horne, Hicks, Johnson, Labauve, Price, Tillman and Willburn—15 votes.

The question was then had on the engrossment thereof;

Which was lost.

Mr. Miles called for the ayes and noes thereon, which are as follows:

Ayes—Mr. President, Adams, Acker, Briscoe, Beene, Boone, Dabney, Fox, Horne, Hicks, Johnson, Labauve, Price, Tillman and Willburn—15 votes.

Noes—Messrs. Booth, Guion, Durr, Lipscomb, Lumpkin, Lansdale, Metcalf, Miles, Nicholson, Pegues, Ramsay, Stewart, Turner, Wall and Williams—15 votes.

On motion of Mr. Lumpkin,

The committee of the whole were discharged from the further consideration of a bill to be entitled,

An act to provide for the sale of 500,000 acres of land donated to the state of Mississippi by an act of congress approved sixth of September, A. D. 1841, and for other purposes.

Mr. Lumpkin offered a bill of the following title, as a substitute therefor, to-wit:

A bill to be entitled,

An act to provide for the sale of 500,000 acres of land donated to the state of Mississippi by an act of congress, approved sixth of September, A. D., 1841.

On motion of Mr. Lumpkin,

Said bill and substitute was laid on the table.

On the further motion of Mr. Lumpkin,

Two hundred copies of the substitute were ordered to be printed.

Mr. Wall called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Booth, Fox, Guion, Hicks, Lipscomb, Lumpkin, Labauve, Lansdale, Metcalf, Miles, Nicholson, Price, Turner, Williams and Willburn—18 votes.

Noes—Messrs. Acker, Beene, Boone, Dabney, Durr, Horne, Johnson, Pegues, Ramsay, Stuart, Tillman and Wall—12 votes.

On motion of Mr. Fox,

The senate adjourned until Monday morning next 10 o'clock.

Mr. Wall called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Adams, Acker, Briscoe, Booth, Beene, Durr, Fox, Guion, Hicks, Johnson, Lumpkin, Lansdale, Metcalf, Pegues, Price, Ramsay, Stuart, Turner and Williams—19 votes.

Noes—Mr. President, Boone, Dabney, Horne, Lipscomb, Labauve, Miles, Nicholson, Tillman, Wall and Willburn—11 votes.

MONDAY, FEBRUARY 23, 1846.

The senate met pursuant to adjournment.

The journal of Saturday was read.

Mr. Boone, from a select committee, reported,

A bill to be entitled,

An act for the relief of James Dowty, and recommended the passage thereof;

Which was read the first time.

On motion of Mr. Boone,

The constitutional rule was suspended,

And said bill was read the second time by title.

On motion of Mr. Stewart,

The rule was further dispensed with,

And said bill considered as engrossed,

And read the third time and passed.

Ordered, That the title thereof be as stated.

Mr. Guion, from a joint select committee, to whom had been referred bills of the following titles, to-wit:

A bill to be entitled,

An act to establish volunteer companies for the more efficient military organization of the state;

A bill to be entitled,

An act to establish volunteer companies in this state;

A bill to be entitled,

An act to organize the counties of Harrison, Sunflower and Issaquena, and for other purposes;

Reported said bills back without amendment, and asked to be discharged from the further consideration thereof.

On motion,

The report was received and the committee discharged.

On motion of Mr. Guion,

The several bills were committed to the whole house, and made the order of the day for Wednesday next.

Mr. Miles presented a memorial of sundry residents or holders

of property within the limits of the corporation of Yazoo City;

Which was read, and,

On motion of Mr. Miles,

Said memorial was referred to a committee of three.

Messrs. Miles, Guion, and Stewart were appointed said committee.

The senate proceeded to the consideration of the orders of the day.

A bill to be entitled,

An act amendatory of an act to authorize appeals from the decisions of the justices of the peace to the circuit courts, approved Feb. 22d, 1842,

Was read the third time and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act to amend an act reducing the fees of certain officers therein named, approved Feb. 10, 1844, so far as relates to the counties of Covington, Wayne, Jones, Clark, Green, Jackson, Harrison, Hancock, Perry and Marion,

Was read the third time and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act for the relief of the lunatic asylum at Lexington, Kentucky,

Was read the third time and passed.

Ordered, that the title thereof be as stated.

Resolutions to amend the constitution of the state of Mississippi,

Were read the third time and lost.

The ayes and noes thereon are as follows; to-wit:

Ayes—Mr. President, Adams, Briscoe, Beene, Durr, Fox, Horne, Hicks, Lumpkin, Labauve, Landsdale, Pegues, Ramsay, Tillman, Wall, Williams, and Willburn—17 votes.

Noes—Messrs. Acker, Booth, Boone, Guion, Johnson, Lipscomb, Miles, Stewart and Turner—9 votes.

A bill to be entitled,

An act to provide for the call of a convention to change the constitution of the state of Mississippi,

Was read the third time.

On motion of Mr. Wall,

Said bill was laid on the table.

Mr. Acker called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Booth, Beene, Boone, Durr, Fox, Guion, Horne, Hicks, Miles, Ramsay, Stewart, Tillman and Wall—16 votes.

Noes—Messrs. Acker, Johnson, Lipscomb, Lumpkin, Labauve, Landsdale, Pegues, Turner, Williams and Willburn—10 votes.

Mr. Boone offered the following joint resolution, to-wit:

Resolved, that the joint committee on claims be authorized to employ a clerk to assist them in making out an appropriation bill;

Which was read the first time.

On motion of Mr. Adams,

The rule was dispensed with,

And said resolution read the second time and adopted.

The following message was received from the house of representatives, through their clerk, Mr. Montgomery, viz:

MR. PRESIDENT—The house of representatives have passed bills from the senate of the following titles, viz:

A bill to be entitled,

An act declaring Bayou Tippah a navigable stream;

A bill to be entitled,

An act to incorporate the pastor, Deacons and members of the first Baptist church, of Aberdeen;

A bill to be entitled,

An act for the construction and repairing of levees in the county of Issaquena;

A bill to be entitled,

An act to repeal in part an act entitled an act to attach a part of Perry county to the county of Harrison, approved January 24, 1844;

A bill to be entitled,

An act supplementary to an act to authorize the governor of the state of Mississippi to appoint commissioners in other states.

A bill to be entitled,

An act for the benefit of Richard M. Johnson,

Was read the third time and lost.

Mr. Turner, on his motion, was excused from voting thereon.

Mr. Guion called for the ayes and noes on the bill; which are as follows, to-wit:

Ayes—Messrs. Guion, Lumpkin, Landsdale, Metcalf, Miles, Stewart and Willburn—7 votes.

Noes—Messrs. Adams, Acker, Briscoe, Booth, Beene, Boone, Dabney, Durr, Horne, Hicks, Johnson, Lipscomb, Labauve, Pegues, Price, Ramsay, Tillman, Wall and Williams—19 votes.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. President—The house of representatives have passed a bill of the following title, viz:

A bill to be entitled,

An act supplemental to an act entitled an act to re-organize the judicial districts of this state, and for other purposes, approved February 3d, 1844;

In which they desire the concurrence of the senate.

The following message was received from his excellency, the governor, through his private secretary, to-wit:

Mr. President—His excellency, the governor, has approved and signed the following bills:

An act to incorporate the town of Benton, in Yazoo county;

An act for the benefit and relief of the Columbus riflemen;

An act supplemental to an act entitled an act to define the powers and duties of the board of police of Monroe, Chickasaw and Noxubee counties;

A memorial of the legislature of the state of Mississippi to the congress of the United States.

Approved, 21st February, 1846.

A bill to be entitled,

An act to change the practice of the circuit courts in this state in relation to jurors,

Was read the third time.

Mr. Labauve moved to lay said bill on the table;

Which was lost.

Mr. Miles offered the following amendment by way of ryder, to-wit:

Sec. — Be it further enacted that the county of Tunica be exempted out of the provisions of this act;

Which was adopted.

The question was then had on the final passage of said bill; which carried.

Ordered, That the title thereof be as stated.

Mr. Landsdale called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Acker, Boone, Dabney, Guion, Hicks, Lipscomb, Lumpkin, Labauve, Metcalf, Miles, Pegues, Price, Stewart, Turner, Wall, Williams and Willburn—17 votes.

Noes—Messrs. Adams, Briscoe, Booth, Beene, Durr, Fox, Horne, Johnson, Landsdale, Matthews, Ramsay and Tillman—12 votes.

A bill to be entitled,

An act supplemental to an act entitled an act to re-organize the judicial districts of this state, and for other purposes, approved Feb. 3d, 1844;

Was read the first time.

On motion of Mr. Miles,

The constitutional rule was suspended,

And said bill read the second time by title.

On the further motion of Mr. Miles,

The rule was further suspended,

And said bill read the third time and passed.

Ordered, That the title thereof be as stated.

On motion of Mr. Adams,

The rule limiting the presentation of claims to the 20th inst. was suspended.

Mr. Adams presented the claims of Joshua H. Pool, A. P. Parker and Jessee Harris;

Which, on his motion, were referred to the committee on claims.

Mr. Dabney, from a select committee to whom had been referred,

A bill to be entitled,

An act to require the liabilities of the president and directors of the rail road and turnpike company, in the counties of Newton and Lauderdale, to be put in suit,

Reported a substitute of the same title in lieu of the original bill.

On motion of Mr. Horne,

The report was received.

Mr. Williams, From the same committee, made a minority report.

On motion of Mr. Labauve,

The report just made was agreed to.

Mr. Wall was called to the chair.

Mr. Guion offered the following amendment, to-wit:

Amend by striking out all of section two, after the word "district," in the fourth line;

Which was adopted.

Mr. Guion offered the following amendment, to-wit:

Amend by adding to the second section the following proviso:

Provided, That the president and directors of the rail-road and turnpike company, in the counties of Newton and Lauderdale be, and they are hereby authorized and required to report their proceedings in full to the governor of the state, whenever called upon; and that the governor, together with the attorney general, shall institute an examination into the condition of the affairs of said company; and they shall inquire into the management by said company, of an appropriation to the same, by the legislature, of thirty thousand dollars, payable out of the surplus revenue, by an act approved February 15th, 1839, for the improvement of the Chickasawha river; and they shall ascertain the amount and value of the said appropriation received by said company or its officers, and actually expended in the improvement of said river, prior to the act of the legislature approved July 26th, 1843, requiring the governor to cause suit to be brought against said company and their securities, on their bonds filed in the auditor's office; and they shall ascertain the value of the improvements made on said river, as near as may be, by said company; and they are hereby authorized and empowered, to make such settlement with the officers and members of said company, of the affairs of the company, on their property and satisfactorily accounting for the said appropriation, as shall be equitable and just to said company and to the state, and such as will secure the rights of both.

Sec. 2. *Be it further enacted*, That if said company shall properly and satisfactorily account for said appropriation, and shall return to the state so much of the same, as has not been actually expended as specified in the preceding section, and shall transfer to the state all the real estate with the appurtenances belonging to said company, on the application of, and within such time as shall

be required by the governor, then the obligation of said company to the state, for the appropriation, shall cease and be void. But if the said company shall fail to account properly and satisfactorily for the said appropriation, and to comply with the requirements of this act, then the governor shall direct the attorney general to institute such proceedings at law or in equity, against the company and their securities, as will most speedily secure the return to the state, of the funds of the appropriation.

On motion of Mr. Labauve,

Said amendment was rejected;

And said bill was ordered to be engrossed for a third reading on to-morrow.

The president resumed his chair.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

MR. PRESIDENT—The house of representatives have passed bills of the following titles, viz:

A bill to be entitled,

An act to prescribe the duties of the different boards of police in this state;

A bill to be entitled,

An act to reduce the compensation of the board of police in the county of Neshoba;

In which they desire the concurrence of the senate.

MR. PRESIDENT—The house of representatives have passed bills of the following titles, viz:

A bill to be entitled,

An act to amend an act to regulate the liens of judgments and decrees, approved the 16th Feb., 1841, and for other purposes, approved the 24th Feb., 1844;

A bill to be entitled,

An act to amend an act entitled an act to divide the police district, No. 4, in Carroll county, in which the towns of Shongalo and Middleton are situated, into two magistrates' districts, and for other purposes, approved July 18, 1843;

In which they desire the concurrence of the senate.

They have passed a bill from the senate of the following title, to-wit:

A bill to be entitled,

An act to repeal the fifth section of an act entitled an act for the more perfect organization of the superior court of chancery.

Mr. Price, from the committee on enrolled bills, made the following report, viz:

Mr. President—The joint standing committee on enrolled bills have examined,

An act to incorporate the Southern rail-road company;

An act to incorporate the town of Paulding, in Jasper county;

An act supplementary to an act entitled an act to establish an inferior court of chancery in the southern part of this state;

An act to amend an act entitled an act to incorporate the town of Aberdeen, in the county of Monroe, approved May 12th, 1837;

An act for the benefit of James Moore;

A resolution directing the auditor of public accounts to issue a warrant to Henry Dickinson for his salary;

Resolution granting leave of absence to Henry Dickinson;

And have found the same correctly enrolled.

NATH'L. S. PRICE, Chairman.

The president signed the bills said report mentioned.

The senate resolved itself into committee of the whole on,

A bill to be entitled,

An act to fix an apportionment of senators and representatives in this state;

And after some time spent therein, the committee rose, and,

Mr. Miles reported progress and asked leave to sit again on Wednesday next at 11 o'clock, A. M.

On motion of Mr. Miles,

The report was received and agreed to.

A bill to be entitled,

An act to reduce the compensation of the board of police for the county of Neshoba,

Was read the first time.

On motion of Mr. Labauve,

The constitutional rule was suspended,

And said bill read the second time by title.

On the further motion of Mr. Labauve,

The rule was further suspended,

And said bill was read the third time and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act to prescribe the duties of the different boards of police in this state,

Was read the first time.

On motion of Mr. Miles,

The constitutional rule was suspended,

And said bill read the second time by title.

On the further motion of Mr. Miles,

The rule was further suspended,

And said bill read the third time and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act to amend an act entitled an act to divide the police district, No. 4, in Carroll county, in which the towns of Shongalo and Middleton are situated, into two magistrates' districts, and for other purposes, approved July 18, 1843,

Was read the first time.

On motion of Mr. Labauve,

The constitutional rule was suspended,

And said bill was read the second time by title.

A bill to be entitled,

An act for the relief of William L. Sharkey,

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Boone called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Acker, Briscoe, Booth, Dabney, Durr, Fox, Hicks, Lipscomb, Lumpkin, Landsdale, Metcalf, Matthews, Miles, Pegues, Price, Ramsay, Stewart, Turner Wall and Willburn—22 votes.

Noes—Messrs. Beene, Boone, Horne, Johnson, Labauve and Tillman—6 votes.

A bill to be entitled,

An act to amend an act to regulate the liens of Judgments and decrees, approved the 16th of February, 1841, and for other purposes, approved the 24th Feb., 1844,

Was read the first time.

On motion of Mr. Turner,

The constitutional rule was suspended;

And said bill read the second time by title.

On motion of Mr. Turner,

Said bill was referred to the committee on the judiciary.

On motion of Mr. Adams,

A bill to be entitled,

An act limiting the tenure of certain officers therein named,

Was called from the table.

On motion of Mr. Durr,

Said bill was committed to the committee on the judiciary.

A bill to be entitled,

An act providing for the sale of the Chickasaw school lands, was read.

Mr. Matthews offered the following amendment, to-wit:

Fill the blank in section two as follows:

"First Monday in November, 1846;"

Which was adopted.

Mr. Labauve offered the following amendment, to-wit:

"11th section, strike out $4 and insert $2;"

Which was lost.

Mr. Matthews offered the following amendment, to-wit:

10th section, after settlers insert "at this time;"

Which was adopted.

Mr. Matthews offered the following amendment, to-wit:

Strike out before five, and insert in line three, section eight; within one day, instead of five;

Which was adopted;

And said bill as amended was ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act to amend the comstitution of the state of Mississippi,

Was read the third time and passed.

Ordered, that the title thereof be as stated.

The ayes and noes thereon are as follows:

Ayes—Mr. President, Adams, Briscoe, Booth, Beene, Durr, Fox, Horne, Hicks, Johnson, Lumpkin, Labauve, Landsdale, Matthews, Miles, Pegues, Price, Ramsay, Stewart, Tillman and Willburn—21 votes.

Noes—Messrs. Acker, Boone, Dabney, Guion, Lipscomb, Metcalf and Turner—7 votes.

Mr. Guion asked and obtained leave to the introduction of,

A resolution for the relief of Landy Lindsey;

Which was read the first time.

On motion of Mr. Guion,

The constitutional rule was suspended,

And said resolution read the second time by title.

On the further motion of Mr. Guion,

The rule was further suspended,

And said resolution was considered as engrossed, and read the third time and adopted.

Ordered, that the title thereof be as stated.

On motion of Mr. Turner,

The senate took a recess until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The recess having expired,

The senate met,

The senate resolved itself into committee of the whole on,

A bill to be entitled,

An act to amend an act entitled an act to prescribe the mode of proceeding against incorporated banks for a violation of their corporate franchises, and against persons pretending to exercise corporate privileges under acts of incorporation, and for other purposes, approved July 26, A. D. 1843;

And after some time spent therein,

The committee rose and Mr. Beene reported progress and asked leave to sit again to-morrow at 11 o'clock, A. M.

On motion of Mr. Beene,

The report was received and agreed to.

Mr. Boone asked and obtained leave to the introduction of,

A resolution to provide for the appointment of a commissioner of the seminary fund, the sinking fund and town-lot fund;

Which was read the first time.

Mr. Labauve moved to suspend the rule, and read said resolution a second time forthwith;

Which was lost.

Mr. Dabney asked and obtained leave to the introduction of,

A bill to be entitled,

An act supplementary to an act by which the time of holding the circuit courts in the counties of Winston and Attala were changed, approved Feb. 20, 1846;

Which was read the first time.

On motion of Mr. Dabney,

The constitutional rule was suspended,

And said bill read the second time by title.

On the further motion of Mr. Miles,

The rule was further suspended,

And said bill read the third time and passed.

Ordered, that the title thereof be as stated.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

MR. PRESIDENT—The joint standing committee on enrolled bills have examined an act of the following title, to-wit:

An act supplementary to "an act to authorize the governor of the state of Mississippi to appoint commissioners in other states;"

And have found the same correctly enrolled.

The president signed the bill in said report mentioned.

On motion of Mr. Boone,

The senate adjourned until to-morrow morning, 9 o'clock.

TUESDAY, FEBRUARY 24, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Guion asked and obtained leave to the introduction of a memorial to the congress of the United States in relation to inundated lands in the state of Mississippi between the mouth of the Yazoo river and the northern boundary of the state, and a resolution;

Which was read the first time.

On motion of Mr. Guion,

The constitutional rule was suspended,

And said memorial and resolution were read the second time by title.

On the further motion of Mr. Guion,

The rule was further suspended,

And said memorial considered as engrossed, and read the third time, and adopted.

Ordered, That the title thereof be as stated.

Mr. Lipscomb, from the standing committee on the seminary fund, to whom had been referred a bill to be entitled,

An act to authorise the commissioner of the seminary fund to issue patents,

Reported said bill back without amendment.

On motion of Mr. Lipscomb,

The report was received,

And the question was had on the engrossment thereof;

Which was lost.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. President—The house of representatives have passed the following resolution:

Resolved, That the senate be requested to furnish this house with all the papers and evidences accompanying a bill for the relief of James Dowty.

They have passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act to amend an act reducing the fees of certain officers therein named, approved February 10th, 1814, so far as relates to the counties of Covington, Wayne, Clarke, Jones, Green, Jackson, Harrison, Hancock, Perry and Marion,

And have made sundry amendments thereto, and also to the title of the same.

A resolution from the senate for the relief of Landy Lindsey;

In all of which I am instructed to desire the concurrence of the senate.

The house have passsed bills of the following titles, viz:

A bill for the relief of John A. Cotton, and for other purposes;

A bill to be entitled,

An act to amend an act to incorporate the Canton and Jackson railroad company;

A bill to regulate the mileage of members of the legislature;

In which they desire the concurrence of the senate.

Mr. President—The house of representatives have passed a memorial from the senate of the following title, viz:

A memorial to the congress of the United States in relation to the inundated lands in the state of Mississippi between the mouth of the Yazoo river and the northern boundary of the state, and a resolution.

They have passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act to require the liabilities of the president and directors of the railroad and turnpike company, in the counties of Newton and Lauderdale, with their securities, to be put in suit,

As a substitute for the house bill entitled,

An act requiring the liabilities of the president, directors and company in the counties of Newton and Laudordale, with their securities, to be put in suit.

Mr. President—The house of representatives have concurred in the resolution from the senate allowing the joint standing committee on claims to employ a clerk.

They have concurred in the joint resolution from the senate fixing on Monday the 2d day of March for the adjournment sine die of both houses of the legislature,

With an amendment thereto, viz:

Strike out Monday the 2d, and insert in lieu thereof, Thursday the 5th day of March at 12 o'clock at night;

In which I am instructed to desire the concurrence of the senate.

They have concurred in the amendments made by the senate to the house bill entitled,

An act for the relief of Elisha Fox.

They have passed bills from the senate of the following titles, viz:

A bill to be entitled,

An act to incorporate the Monroe lodge, No. 39, of free and accepted masons, of Perry county;

A bill to be entitled,

An act to incorporate the Lexington and Honey island turnpike company;

A resolution granting leave of absence to the hon. Stephen Cocke.

Mr, President—The house of representatives have given leave to the introduction of bills of the following titles:

A bill to be entitled,

An act to amend the laws of this state in relation to the selling of vinous and spirituous liquors, &c.;

A bill to be entitled,

An act apportioning the representatives and senators in this state.

The senate took up the business on the message last received from the house of representatives.

A bill for the relief of John A. Cotton, and for other purposes,

Was read the first time.

On motion of Mr. Guion,

Said bill was laid on the table.

On motion of Mr. Ramsay,

The senate concurred in the amendments made by the house of representatives to a bill from the senate to be entitled,

An act to amend an act reducing the fees of certain officers therein named, approved February 10th, 1844, so far as relates to the counties of Covington, Wayne, Jones, Clark, Green, Jackson, Harrison, Hancock, Perry and Marion.

A bill to be entitled,

An act to amend an act to incorporate the Canton and Jackson railroad company,

Was read the first time.

Mr. Price, from the joint standing committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bills have this day examined,

An act amendatory of an act to authorise appeals from the decisions of justices of the peace in the circuit courts, approved February 22d, 1842;

An act supplemental to an act entitled an act to re-organise the judicial districts of this state, and for other purposes, appproved February 3, 1844;

An act to reduce the compensation of the board of police for the county of Neshoba;

An act for the relief of Elisha Fox;

An act to prescribe the duties of the different boards of police in this state, and for other purposes;

An act to repeal a part of an act entitled an act to attach a part of Perry county to the county of Harrison, approved January 24, 1844;

An act to incorporate the pastor, deacons and members of the first baptist church in the town of Aberdeen;

An act to repeal the fifth section of an act entitled an act for the more perfect organization of the superior court of chancery;

An act to incorporate the Holmesville turnpike company;

An act declaring bayou Tippah a navigable stream;

And have found the same correctly enrolled.

NATH'L S. PRICE, Chairman.

The president signed the bills in said report mentioned.

A bill to be entitled,

An act to regulate the mileage of members of the legislature,

Was read the first time.

On motion of Mr. Wall,

The constitutional rule was suspended,

And said bill read the second time by title.

On the further motion of Mr. Wall,

The rule was further suspended,

And said bill read the third time, and passed.

Ordered, That the title thereof be as stated.

The senate proceeded to the consideration of the orders of the day.

A bill to be entitled,

An act to require the liabilities of the president and directors of the railroad and Turnpike company in the counties of Newton and Lauderdale, with their securities, to be put in suit,

Was read the third time and passed.

Ordered, That the title thereof be as stated.

Mr. Adams called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Adams, Acker, Briscoe, Booth, Beene, Boone Durr, Fox, Guion, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Lansdale, Metcalf, Nicholson, Pegues, Price, Ramsay, Stuart, Tillman, Turner and Wall—24 votes.

Noes—

The president was excused from voting.

A bill to be entitled,

An act to amend an act entitled an act to divide the police district, No. 4, in Carroll county, in which the town of Shongalo and Middleton are situated, into two magistrates' districts, and for other purposes, approved July 18, 1843;

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

Pursuant to the resolution from the house of representatives,

Mr. Boone presented to the senate the papers and evidences accompanying a bill for the relief of James Dowty.

Ordered, That the secretary of the senate furnish the house of representatives with said papers and evidences, &c.

A resolution to provide for the appointment of a commissioner of the sinking fund, town-lot fund and seminary fund, &c.,

Was read the second time.

Mr. Guion offered the following amendment, to-wit:

Amend by striking out the words, "fifteen hundred," and insert "one thousand.";

Which was adopted.

And said resolution, as amended, was ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act to amend the constitution of the state of Mississippi,

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

The ayes and noes thereon are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Beene, Durr, Fox, Hicks, Johnson, Lumpkin, Labauve, Matthews, Miles, Pegues, Price, Ramsay, Stuart, Tillman, Wall and Willburn—19 votes.

Noes—Messrs. Acker, Boone, Dabney, Guion, Lipscomb, Metcalf, Nicholson and Turner—8 votes.

A bill to be entitled,

An act for the relief of William L. Sharkey,

Was read the third time, and passed.

Ordered, That the title thereof be as stated.

On motion of Mr. Price,

A bill to be entitled,

An act to repeal the 8th section of an act entitled an act for the suppression of tippling houses, and to discourage and prevent the odious vice of drunkenness,

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Ayes—*Messrs.* Booth, Durr, Guion, Lansdale, Metcalf, Miles, Nicholson, Ramsay, Stuart, Turner and Wall—11 votes.

Noes—*Messrs.* president, Adams, Acker, Briscoe, Beene, Boone, Dabney, Fox, Horne, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Pegues, Price, Tillman and Willburn—19 votes.

Mr. Swann offered the following amendment, to-wit:

Sec. —. *Be it further enacted*, That neither this act, nor the act to which this is an amendment, shall be so construed as to impair, enlarge, or abridge any contract, made by the banks of this state, or any of them, or any debtor thereof, according to the laws affecting contracts which existed at the time such contracts were made.

Mr. Matthews offered the following amendment to the amendment, to-wit:

Insert, "that this act," instead of "neither this act nor the act to which this is an amendment";

Which was adopted.

Mr. Swann called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Adams, Acker, Beene, Boone, Durr, Guion, Horne, Hicks, Lipscomb, Lumpkin, Metcalf, *M*atthews, Miles, Nicholson, Pegues, Ramsay, Stuart, Turner, Wall and Willburn —20 votes.

Noes—*Mr.* president, Briscoe, Dabney, Fox, Johnson, Labauve, Lansdale, Price and Tillman—9 votes.

Mr. Miles offered the following amendment to the amendment, to-wit:

Amend by adding, "except so far as the legislature has a conditional right so to do by way of waiving a cause of forfeiture";

Which was lost.

Mr. Miles called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—*Messrs.* Acker, Guion, Lansdale, Miles, Nicholson, Pegues, Stuart, Turner and Wall—10 votes.

Noes—*Mr.* president, Adams, Briscoe, Beene, Boone, Dabney, Durr, Fox, Horne, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, *M*atthews, Price, Ramsay, Tillman and Willburn—19 votes.

The question was then had on the amendment of *Mr.* Swann;

Which was adopted.

Mr. Lansdale called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—*Mr.* president, Adams, Acker, Briscoe, Dabney, Durr, Fox, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, *Matthews*, Pegues, Price, Tillman and Willburn—17 votes.

Noes—*Messrs.* Beene, Boone, Guion, Horne, Lansdale, *Metcalf*, Nicholson, Ramsay, Stuart, Turner and Wall—11 votes.

Mr. Miles was excused from voting.

The question was then had on agreeing to the report of the committee of the whole;

Which was decided in the affirmative.

Mr. Guion called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—*Mr.* president, Adams, Briscoe, Beene, Boone, Dabney, Durr, Fox, Horne, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, *Matthews*, Pegues, Price, Tillman and Willburn—19 votes.

Noes—*Messrs.* Acker, Booth, Guion, Lansdale, *Metcalf*, *Miles*, Nicholson, Ramsay, Stuart, Turner and Wall—11 votes.

And said bill, as amended, was ordered to be engrossed for a third reading on to-morrow at 10 o'clock, A. M.

Mr. Briscoe called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—*Mr.* president, Adams, Briscoe, Beene, Boone, Dabney, Durr, Fox, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, *Matthews*, Pegues, Price, Tillman and Willburn—18 votes.

Noes—*Messrs.* Acker, Booth, Guion, Horne, Lansdale, *Metcalf*, *Miles*, Nicholson, Ramsay, Stuart, Turner and Wall—12 votes.

Mr. Briscoe moved an adjournment until 7 o'clock to-night;

Which was lost.

On motion of *Mr.* Briscoe,

The senate took a recess until half after three o'clock, P. M.

HALL-AFTER THREE O'CLOCK, P. M.

The recess having expired,

The senate met.

Mr. Horne asked and obtained leave to the introduction of a memorial and resolutions of the legislature of the state of *Mississippi* to congress in relation to the improvement of certain rivers;

Which was read the first time.

On motion of *Mr.* Horne,

The constitutional rule was suspended,

And said memorial and resolutions were read the second time.

On the further motion of *Mr.* Horne,

The said memorial and resolutions were considered as engrossed, and the rule was further suspended,

And said memorial and resolutions were read the third time, and passed.

Ordered, that the title thereof be as stated.

Mr. Miles asked and obtained leave to the introduction of a bill to be entitled,

An act to construe and amend an act entitled an act to regulate the mode of obtaining license to sell vinous and spirituous liquors;

Which was read the first time.

On motion of *Mr. Miles*,

The constitutional rule was suspended,

And said bill read the second time.

On the further motion of *Mr. Miles*,

The rule was further suspended,

And said bill considered as engrossed,

And read the third time, and passed.

Ordered, that the title thereof be as stated.

Mr. Adams asked and obtained leave to the introduction of a resolution in relation to the removal of the land office from Augusta, in Perry county, to Paulding, in Jasper county;

Which was read the first time.

On motion of *Mr.* Adams,

The constitutional rule was suspended,

And said resolutions were read the second time by title.

Mr. Fox moved to reject said resolution;

Which prevailed.

The senate resolved itself into committee of the whole, on a bill to be entitled,

An act to regulate the practice and proceedings in the action of ejectment, and for other purposes;

And after sometime spent therein, the committee rose,

And *Mr.* Hicks reported progress, and asked leave to sit again on to-morrow.

On motion of *Mr.* Hicks,

The report was received and agreed to.

Mr. Wall asked and obtained leave to the introduction of a bill to be entitled,

An act to authorise the members of the several boards of county police to appoint leaders of patrols;

Which was read the first time.

On motion of Mr. Wall,

The constitutional rule was suspended,

And said bill was read the second time by title.

On the further motion of Mr. Wall,

Said bill was considered as engrossed, and read the third time, and passed.

Ordered, that the title thereof be as stated.

On motion of Mr. Lipscomb,

The vote rejecting the resolution relative to the removal of the land office from Augusta, in Perry county, to Pauldiag, in Jasper county, was reconsidered.

On motion of Mr. Adams,

The further consideration of said resolution was postponed until to-morrow.

The senate resolved itself into committee of the whole on a bill to be entitled,

An act making compensation to the commissioner, ex officio, of public buildings;

And after sometime spent therein, the committee rose.

And Mr. Horne reported said bill back without amendment.

On motion of Mr. Horne,

The report was received and agreed to.

On motion of Mr. Matthews,

Said bill was referred to the committee on claims.

On motion of Mr. Miles,

A bill to be entitled,

An act to repeal an act entitled an act to prescribe the mode of proceeding against incorporated banks for a violation of their corporate franchises, and against persons pretending to exercise corporate privileges, under acts of incorporation, and for other purposes, approved July 26th, A. D. 1843,

Was postponed till to-morrow.

On motion of Mr. Turner,

A bill to be entitled,

An act providing for the liquidation and surrender of the corporate franchises of the several banks of this state,

Was laid on the table.

The question was had on the motion entered on a previous day, to reconsider the vote respecting the engrossment of resolutions in relation to the payment of the bonds of the state, issued and sold for stock in the Planter's bank;

Which was decided in the affirmative.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Booth, Durr, Guion, Hicks, Lansdale, Metcalf, Miles, Nicholson, Pegues, Price, Ramsay, Stuart, Turner and Wall—15 votes.

Noes—Messrs. Adams, Acker, Briscoe, Beene, Boone, Dabney, Fox, Horne, Lipscomb, Lumpkin, Labauve, Matthews, Tillman and Willburn—14 votes.

The question was then had on the engrossment thereof;

Which was lost.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Booth, Durr, Guion, Hicks, Lansdale, Metcalf, Miles, Nicholson, Price, Ramsay, Stuart and Turner—13 votes.

Noes—Messrs. Adams, Acker, Beene, Boone, Dabney, Fox, Horne, Lipscomb, Lumpkin, Labauve, Matthews, Pegues, Tillman, Wall and Willburn—15 votes.

On motion of Mr. Boone,

The papers and evidence accompanying the bill to be entitled,

An act for the benefit of the lunatic asylum at Lexington, Kentucky,

Are permitted to be withdrawn.

On motion of Mr. Guion,

The senate adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY, FEBRUARY 25, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Wall, from a select committee to whom had been referred

A bill to be entitled,

An act to change the mode of collecting revenue of hawkers and pedlars,

Reported said bill back with sundry amendments;

Which were read.

On motion of Mr. Wall,

Said amendments were considered as engrossed,

And said bill and amendments were read the third time forthwith and passed.

Ordered, that the title thereof be as stated.

Mr. Boone, from the committee on claims, made the following report, to-wit:

MR. PRESIDENT—The committee on claims, to whom was referred resolutions in favor of H. O. Z. Parker, have instructed me to make the following report:

Your committee find from an investigation of the case, that said Parker was the purhaser of lots in Jackson, and made failure in payment: the lots were sold by order of court to pay the debt: the state commissioner become the purchaser: they did not bring the amount of the original debt and cost: an alias was issued, and levied on other property of Parker's to pay the residue: Parker sued out an injunction, alleging fraud in the sale of lots, and also alleged the state was indebted to him for work and labor done on the executive stable, for which he should have been credited.—Your committee have satisfied themselves that said Parker has done work on said stable, but learn he commenced the work, quit it unfinished and liable to go to waste, and as he has thrown the whole case into chancery, your committee recommend the legislature to take no action in the matter till the case be determined by the chancellor;

Which was read.

Mr. Landsdale moved to disagree to said report;

Which was lost.

The president announced that the rejection of said motion was

tantamount to the reception and agreement of said report.

Mr. Miles asked and obtained leave to the introduction of

A bill to be entitled,

An act to regulate the proceedings and practice in suits against the master, overseer, owner and employer of slaves convicted of grand larceny;

Which was read the first time.

On motion of Mr. Miles,

The constitutional rule was suspended,

And said bill read the second time by title.

On the further motion of Mr. Miles,

The rule was further suspended,

And said bill considered as engrossed, and read the third time and passed.

Ordered, that the title thereof be as stated.

Mr. Miles, from the select committee to whom was referred the petition of sundry citizens of Yazoo city,

Reported that it was inexpedient to grant the prayer of the petitioners.

On motion of Mr. Miles,

Tne report was received and agreed to.

The following message was received from the house of representatives, through their clerk, Mr. Montgomery, viz:

Mr. President—The house of representatives have passed a bill of the following title, viz:

A bill to be entitled,

An act granting pre-emption rights to settlers on the 500,000 acres of state lands in certain cases;

In which they desire the concurrence of the senate.

The house have given leave to the introduction of bills of the following titles:

A bill to be entitled,

An act to authorize the treasurer to employ a clerk, and for other purposes;

A bill to be entitled,

An act to authorize the state treasurer to erect a fire proof vault, and for other purposes.

Mr. Lipscomb asked and obtained leave to the introduction of,

A bill to be entitled,

An act to incorporate the Columbus board of trade;

Which was read the first time.

On motion of Mr. Lipscomb,

The constitutional rule was suspended,

And said bill read the second time by title.

On the further motion of Mr. Lipscomb,

The rule was further suspended,

And said bill considered as engrossed, and said bill read the third time and passed.

Ordered, that the title thereof be as stated.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

MR. PRESIDENT—The joint standing committee on enrolled bills have this day presented to the governor, for his signature and approval, bills of the following titles, to-wit:

An act supplemental to an act entitled an act to re-organize the judicial districts of this state, and for other purposes, approved Feb. 3, 1844;

An act amendatory of an act to authorize appeals from the decisions of justices of the peace to the circuit courts, approved Feb. 22, 1842;

An act to reduce the compensation of the board of police of the county of Neshoba;

An act for the relief of Elisha Fox;

An act supplementary to an act to authorize the governor of the state of Mississippi to appoint commissioners in other states;

An act declaring Bayou Tippah a navigable stream;

An act to repeal a part of an act entitled an act to attach a part of Perry county to the county of Harrison, approved January 24, 1844;

An act to repeal the fifth section of an act entitled an act for the more perfect organization of the superior court of chancery;

An act to incorporate the pastor, deacons and members of the first Baptist church in the town of Aberdeen;

An act to incorporate the Holmesville turnpike company;

An act to prescribe the duties of the different boards of police in this state, and for other purposes.

NATH'L. S. PRICE, Chairman.

Mr. President—The joint standing committee on enrolled bills have examined the following bills:

An act supplementary to an act by which the time of holding the circuit courts in the counties of Winston and Attala were changed, approved Feb. 20th, 1846;

An act for the construction and repairing levees in the county of Issaquena;

An act to amend an act entitled an act to divide the police district, No. 4, in Carroll county, in which the towns of Shongalo and Middleton are situated, into two magistrates' districts, and for other purposes, approved Feb. 18th, 1843;

An act to regulate the mileage of members of the legislature;

A resolution granting leave of absence to the honorable Stephen Cocke;

An act to amend an act reducing the fees of certain officers therein named, approved Feb. 10, 1844, so far as relates to the counties of Covington, Wayne, Jones, &c.;

Resolution for the relief of Landey Lindsey;

An act to incorporate the Monroe lodge, No. 39, of free and accepted masons, of Perry county;

An act to incorporate the Lexington and Honey Island Turnpike company;

An act to require the liabilities of the president and directors of the rail-road and turnpike company, in the counties of Newton and Lauderdale, with their securities, to be put in suit;

A memorial to the congress of the United States in relation to the inundated lands in the state of Mississippi between the mouth of the Yazoo river and the northern boundary of the state, and a resolution;

An act to repeal the 8th section of an act entitled an act for the suppression of tippling houses, and to discourage and prevent the odious vice of drunkenness, approved Feb. 9, 1839;

And have found the same correctly enrolled.

N. S. PRICE, Chairman.

The president signed the bills in said report mentioned.

Mr. Dupree asked and obtained leave to the introduction of

A bill to be entitled,

An act concerning the sheriff and tax collector in Hinds county;

Which was read the first time.

On motion of Mr. Dupree,

The constitutional rule was suspended,

And said bill was read the second time by title.

Mr. Acker offered the following amendment, to-wit:

Amend by adding Monroe after Hinds.

Mr. Beene offered the following amendment to the amendment, to-wit:

Amend the amendment by adding, Itawamba county.

On motion of Mr. Matthews,

Said bill was committed to the whole house and made the order of the day for to-morrow.

On motion of Mr. Matthews,

A bill to be entitled,

An act to authorize the auditor of public accounts to remit the damages of 30 per cent., now required to be charged against defaulting tax collectors in certain cases, and to repeal so much of the 34th section of an act entitled an act to reduce into one, the several acts in relation to the revenue of this state, approved 24th Feb., 1844, as authorizes the sheriffs to collect double taxes,

Was called from the table and committed to the whole house, and made the order of the day for to-morrow.

Mr. Turner, from a select committee, reported a bill to be entitled,

An act to incorporate the Homochitto navigation improvement company;

Which was read the first time.

On the further motion of Mr. Turner,

The constitutional rule was suspended,

And said bill read the second time.

On motion of Mr. Turner,

The blank in said bill was filled with the word twenty, and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled,

An act granting pre-emption rights to settlers on the 500,000 acres of state land in certain cases,

Was read the first time.

Mr. Labauve moved to suspend the rule and read the bill the second time;

Which was lost.

The senate proceeded to the consideration of the special orders of the day.

A bill to be entitled,

An act to amend an act entitled an act to prescribe the mode of proceeding against incorporated banks for a violation of their corporate franchises, and against persons pretending to exercise corporate privileges under acts of incorporation and for other purposes, approved July 26th, A. D. 1843,

Was read the third time and passed.

Ordered, That the title thereof be as stated.

Mr. Miles called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Beene, Boone, Dabney, Durr, Fox, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Pegues, Price, Tillman and Willburn—18 votes.

Noes—Messrs. Acker, Booth, Dupree, Guion, Horne, Landsdale, Metcalf, Miles, Nicholson, Ramsay, Stewart, Turner, Wall and Williams—14 votes.

The senate resolved itself into committee of the whole on

A bill to be entitled,

An act to fix an apportionment of senators and representatives in this state;

And after some time spent therein, the committee rose, and Mr. Miles reported progress and asked leave to sit again at half-past three o'clock P. M.

On motion of Mr. Miles,

The report was received and agreed to.

On motion of Mr. Turner,

The senate took a recess until half-past three o'clock, P. M.

HALF-PAST THREE O'CLOCK, P. M.

The recess having expired,

The senate met.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

MR. PRESIDENT—The house of representatives have passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act to amend the several laws of this state in relation to the courts of probate;

And have made sundry amendments thereto, in which they desire the concurrence of the senate.

They have also passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act to amend an act entitled an act for the protection and preservation of the rights of married women, approved Feb. 15, 1839;

And have made an amendment thereto by way of ryder, in which they desire the concurrence of the senate.

The house of representatives have passed a bill of the following title, to-wit:

A bill to be entitlled,

An act to fix the apportionment of representatives and senators in this state;

In which they desire the concurrence of the senate.

The senate resolved itself into committee of the whole on the bill before the senate previous to the recess, entitled,

An act to fix an apportionment of senators and representatives in this state;

And after some time spent therein, the committee rose and Mr. Miles reported progress and asked leave to be discharged from the further consideration thereof.

On motion of Mr. Miles,

The report was received and agreed to.

The senate proceeded to the consideration of the message last received from the house of representatives.

A bill to be entitled,

An act to fix an apportionment of representatives and senators in this state,

Was read the first time.

On motion of Mr. Labauve,

The constitutional rule was suspended,

And said bill read the second time by title.

On motion of Mr. Wall,

Said bill was committed to the whole house, and made the order of the day for 10 o'clock to-morrow.

On motion of Mr. Fox,

The senate concurred in the amendment by way of ryder made by the house of representatives to a bill from the senate to be entitled,

An act to amend an act entitled an act for the protection and preservation of the rights of married women, approved Feb. 11th, 1839.

Mr. Adams called for the consideration of the amendment made by the house of representatives to the resolution of the senate fixing on the 2d March next for an adjournment of the legislature, sine die.

On motion of Mr. Labauve,

Said resolution was laid on the table.

The amendments made by the house of representatives to a bill from the senate to be entitled,

An act to amend the several laws of the state in relation to courts of probate,

Were read, and

On motion of Mr. Miles,

The further consideration thereof was postponed till to-morrow.

On motion of Mr. Landsdale,

The senate adjourned until to-morrow, 9 o'clock, A. M.

THURSDAY, February 26, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Dupree presented the memorial of Raynwell R. Caldwell, Hannah Caldwell and James Caldwell, children and heirs of Isaac Caldwell, deceased, late of Hinds county, Mississippi;

Which was read.

On motion of Mr. Dupree,

Said memorial was referred to the committee on the seminary fund.

On motion of Mr. Adams,

The amendment made by the house of representatives to the resolution from the senate in relation to the adjournment sine die of the legislature,

Was called from the table.

Mr. Adams called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Adams, Briscoe, Booth, Beene, Dabney, Durr,

Guion, Horne, Johnson, Lipscomb, Metcalf, Nicholson, Pegues, Ramsay, Stuart, Wall and Willburn—17 votes.

Nays—Mr. president, Acker, Boone, Dupree, Fox, Hicks, Lumpkin, Labauve, Lansdale, Matthews, Price, Turner and Williams—13 votes.

Mr. Boone moved to strike out the 5th and insert the 7th;

Which was lost.

Mr. Adams called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Acker, Briscoe, Booth, Boone, Dupree, Fox, Hicks, Lumpkin, Labauve, Lansdale, Matthews, Price, Turner and Williams—15 votes.

Noes—Messrs. Beene, Dabney, Durr, Guion, Horne, Johnson, Lipscomb, Metcalf, Nicholson, Pegues, Ramsay, Stuart, Wall and Willburn—15 votes.

On motion of Mr. Adams,

The senate concurred in the amendment made by the house of representatives to said resolution.

Mr. Wall called for the aes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Adams, Briscoe, Booth, Beene, Dabney, Durr Fox, Guion, Horne, Johnson, Lipscomb, Labauve, Metcalf. Matthews, Nicholson, Pegues, Ramsay, Stuart, Wall and Willburn—20 votes.

Noes—Mr. president, Acker, Boone, Dupree, Hicks, Lumpkin, Lansdale, Price, Turner and Williams—10 votes.

The senate preceded to the consideration of the orders of the day.

The senate resolved itself into committee of the whole on a bill to be entitled,

An act to fix an apportionment of representatives and senators in this state;

And after sometime spent therein, the committee rose,

And Mr. Price reported progress, and asked leave to sit again in one hour.

On motion of Mr. Price,

The report was received and agreed to.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. PRESIDENT—The house of representatives have concurred in the amendment made by the senate to the house bill entitled,

An act to change the mode of collecting revenue of hawkers and pedlars.

They have passed a bill from the senate of the following title, to-wit:

A bill to be entitled,

An act to incorporate the Columbus board of trade;

And have made an amendment thereto;

In which they desire the concurrence of the senate.

They have passed a memorial from the senate of the following title, viz:

A memorial and resolutions of the legislature of the state of Mississippi to congress, in relation to the improvement of the navigation of certain rivers.

The speaker of the house of representatives has signed bills which originated in the house of the following titles:

An act to regulate the mileage of members of the legislature;

An act to amend an act entitled an act to divide the police district No. 4, in Carroll county, in which the towns of Shongalo and Middleton are situated, into magistrates' districts, and for other purposes, approved July 18, 1843;

An act to repeal the 8th section of an act entitled an act for the suppression of tippling houses, and to discourage and prevent the odious vice of drunkenness, approved February 9, 1839;

Which I am instructed to present to the senate for the signature of the president.

The president signed said bills.

Mr. Price, from the committee on enrolled bills, made the following report, viz:

Mr. PRESIDENT—The joint standing committee on enrolled bills have this day examined,

An act to change the mode of collecting revenue of hawkers and pedlars;

And have found the same correctly enrolled.

NATH'L S. PRICE, Chairman.

The following message was received from his excellency the governor through his private secretary, to-wit:

Mr. PRESIDENT—His excellency the governor has approved and signed bills of the following titles:

An act to incorporate the Holmesville turnpike company;

An act to incorporate the pastor, deacons and members of the first Baptist church in the town of Aberdeen;

An act to repeal a part of an act entitled an act to attach a part of Perry county to the county of Harrison, approved January 24th, 1844;

An act supplementary to an act to authorise the governor of the state of Mississippi to appoint commissioners in other states;

An act to repeal the fifth section of an act entitled an act for the more perfect organization of the superior court of chancery;

An act declaring bayou Tippah a navigable stream.

Approved 25th February, 1846.

On motion of Mr. Lansdale,

The senate took a recess until 12 o'clock, M.

TWELVE O'CLOCK, M.

The recess having expired,

The senate met.

Mr. Matthews asked and obtained leave to the introduction of a resolution in relation to the two and three per cent. funds;

Which was read the first time.

On motion of Mr. Guion,

The constitutional rule was suspended,

And said resolution was read the second time by title.

On the further motion of Mr. Guion,

The rule was further suspended,

And said resolution considered as engrossed, and read the third time, and,

On motion of Mr. Matthews,

The further consideration thereof was postponed until to-morrow.

The senate resolved itself into committee of the whole on the bill before the senate previous to the recess, entitled,

An act to fix an apportionment of representatives and senators in this state;

And after sometime spent therein, the committee rose,

And Mr. Price reported said bill back without amendment.

On motion of Mr. Price,

The report was received.

Mr. Wall offered the following amendment:

Amend section 2d—

In line 27, insert after word 'Jasper,' 'and Wayne;'

In line 29, strike out 'Franklin;'

In line 30, strike out 'Wilkinson,' and insert 'Franklin;'

In line 31, strike out 'Pike,' and insert 'Wilkinson;'

In line 32, strike out 'Marion,' and insert 'Covington and Jones;'

In line 33, strike out 'Covington, Jones and Wayne,' and insert 'Pike and Marion;"

Which was lost.

Mr. Wall called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Briscoe, Dupree, Durr, Guion, Horne, Metcalf, Miles, Nicholson, Ramsay, Stuart, Tillman, Turner and Wall—13 votes.

Noes—Mr. President, Adams, Acker, Booth, Beene, Boone, Dabney, Fox, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Lansdale, Matthews, Pegues, Price, Williams and Willburn—19 votes.

Mr. Turner offered the following amendment, to-wit:

Amend by striking 'Franklin' out of section 2 line 29, and inserting 'Franklin,' before the word 'Adams,' in line 30, section 2;

Which was adopted.

Mr. Horne offered the following amendment, to-wit:

In line 33, strike out 'Perry,' and insert 'Green;'

In line 34, strike out 'Green,' and insert 'Perry;'

Which was adopted.

Mr. Swann offered the following amendment, to-wit:

Amend by striking out all after the enacting clause, and inserting as follows:

"That the following shall be the apportionment of the representatives in the legislature of this state at the next biennial and all future sessions thereof, to-wit:

From the counties of Adams, Amite, Attala, Bolivar, Chickasaw Choctaw, Claiborne, Clarke, Copiah, Covington, Coahoma, Franklin, Green, Hancock, Harrison, Holmes, Issaquena, Jackson, Jasper, Jefferson, Jones, Kemper, Lauderdale, Lawrence, Leake, La-

fayette, Marion, Madison, Monroe, Neshoba, Newton, Noxubee, Octibbeha, Perry, Pike, Pontotoc, Panola, Rankin, Scott, Simpson, Smith, Sunflower, Tunica, Tallahatchie, Warren, Washington, Wayne, Wilkinson, Winston and Yazoo, each, one representative;

From the counties of Carroll, Desoto, Hinds, Itawamba, Marshall, Lowndes, Tippah, Tishemingo and Yallabusha, each, two representatives;

The ratio of apportionment being five thousand free white inhabitants.

Sec. 2. *Be it further enacted*, that the following shall be the apportionment of senators in the legislature of this state, on a ratio of ten thousand nine hundred and eighty-five free white inhabitants, to-wit:

From the counties of Jackson, Harrison, Hancock, Perry, Greene and Marion, one senator;

The counties of Pike, Amite and Wilkinson, one senator;

The counties of Wayne, Jones, Clarke, Jasper and Covington, one senator;

The counties of Smith, Simpson, Rankin and Scott, one senator;

The counties of Adams, Franklin, Jefferson and Lawrence, one senator;

The counties of Claiborne and Warren, one senator;

The counties of Hinds and Copiah, one senator;

The counties of Kemper and Lauderdale, one senator;

The counties of Newton, Neshoba, Leake and Madison, one senator;

The counties of Yazoo and Holmes, one senator;

The counties of Washington, Sunflower, Issaquena, Bolivar, Coahoma, Tunica and Desoto, one senator;

The counties of Noxubee and Winston, one senator;

The counties of Lowndes and Octibbeha, one senator;

The counties of Attala and Choctaw, one senator;

The counties of Carroll and Tallahatchie, one senator;

The counties of Yalobusha and Panola, one senator;

The counties of Monroe and Chickasaw, one senator;

The counties of Lafayette and Pontotoc, one senator;

The county of Marshall, one senator;

The county of Itawamba, one senator;

The county of Tippah, one senator,

The county of Tishemingo, one senator.

Sec. 3. *Be it further enacted*, that at the next general election, in every senatorial district established by this act, in the same manner as now arranged by law, and for which a senator was elected at the November election, in the year 1845, there shall be no election of a senator; but in all the other districts, as constituted by this act, an election for senators shall be held according to law; and from the whole number of senators, so to be elected, a number shall be drawn by lot, at the next regular session of the legislature, who, together with those remaining in office, under the first clause of this section, shall be equal to one-half of the whole number of senators under this act, and these shall vacate their seats at the expiration of the term of two years from the next general election, and the seats of the remaining half shall be vacated at the end of four years from said date";

Which was lost.

Mr. Swann called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Dupree, Durr, Guion, Horne, Labauve, Metcalf, Miles, Ramsay and Stuart—10 votes.

Noes—Messrs. Adams, Acker, Briscoe, Booth, Beene, Boone, Dabney, Fox, Hicks, Johnson, Lipscomb, Lumpkin, Lansdale, Matthews, Nicholson, Pegues, Price, Tillman, Turner, Wall, Williams and Willburn—22 votes.

On motion of Mr. Swann,

The amendments to said bill were considered as engrossed, and,

On motion of Mr. Labauve,

Said bill and amendments were read the third time, and passed.

Ordered, that the title thereof be as stated.

Mr. Stuart called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Acker, Briscoe, Booth, Beene, Boone, Dabney, Fox, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Lansdale, Matthews, Pegues, Price, Tillman, Turner, Williams and Willburn—20 votes.

Noes—Mr. president, Adams, Dupree, Durr, Guion, Horne, Metcalf, Miles, Nicholson, Ramsay, Stuart and Wall—12 votes.

On motion of Mr. Miles,

The following protest was ordered to be entered on the journals, to-wit:

The undersigned beg leave to spread upon the journals their protest against the passage of an act to amend an act entitled an act to prescribe the mode of proceeding against incorporated banks for a violation of their corporate franchises, and against persons pretending to exercise corporate privileges under acts of incorporation, and for other purposes, approved July 26th, 1846.

We believe the 13th section to be palpably in violation of the constitution of the United States.

A law which permits the debtor, or a *creditor* of the *debtor*, to redeem property after a judicial sale, is to say the least of it—where such law in its terms, or by necessary implication, is retroactive, and by force of its provisions, is made to operate on contracts entered into before its passage—of doubtful constitutionality.

But this section goes far beyond the enactments of any "redemption law," that has heretofore figured in the history of legislation. It does not confer the right of redemption upon the *debtor* whose property is sold; nor does it give that right to a *creditor* of the *debtor;* but openly and unblushingly proposes to *release the bank debtor* from the payment of his debts, on condition that he will pay a portion of it.

A single illustration will show not only the monstrous wrong, but the manifestly gross violation of the constitution of the United States by this section:

Suppose A to have borrowed $30,000 from the Agricultural Bank—and as the corporate franchises of that bank have been reclaimed by judicial sentence—we will suppose the trustees appointed by the court to have sold (under the 4th section of this act) at public auction A's note for $50,000, and that B becomes the purchaser thereof for the sum of $40,000. Now, the sale of the trustee is *valid* or *invalid.* If invalid, B would obtain no title to A's note, by the sale, and the redemption would be nugatory. But if *valid,* then the redemption feature of this section proposes to allow A to discharge his debt of $50,000 by the payment of $10,000 with 12½ interest.

From what source does this legislature derive the power thus to alter and impair the obligation of contracts? Whence comes our

right to declare that a man who owes $50,000, shall be *discharged* from his obligation by the payment of a *less sum?* How is it this legislature dares to enact that a debtor shall only be compelled to pay a *part* of his debt in order to be *released from the whole?* On what day did the Mississippi legislature draw to it the power to ride down and treat as nought the constitution of the United States, which declares that the state legislature "shall not pass any law impairing the obligation of contracts"?

We think the 10th section is *void* and incapable of enforcement. Attempting to repeal the law of the contract, it provides that one stockholder shall be *paid his stock in full* before any of the creditors shall receive a cent; and then provides that the outstanding individual liabilities of one of the stockholders shall be received in payment of all debts due to the Planters' bank. The point has been so often decided by the highest judicial tribunals of the land, that the stockholders are entitled to *nothing* until the *creditors* are first paid, that it has long since ceased to be a mooted question. Yet in the face of this firmly-established principle—that cannot be shaken by legislation—it is now attempted by this section to provide that, after first paying back to the principal stockholders (or partner,) the amount of capital invested in the speculation, the surplus shall be distributed among the creditors.

Of the fourth section, we have to say, that its practical operation can only, in our opinion, result in one of two disagreeable alternatives. The first of which may be, that a few capitalists, holding the principal circulation of the banks, may combine, at the trustees' sale, and purchase up a large amount of the notes and bills now due the banks, and them holding the circulation of the banks and the notes and bills of bank debtors. They would have it in their power to coerce *immediate* payment in gold and silver from the bank debtors. The second and most disreputable result may be, that the bank debtors will combine amongst themselves, and by threats or force, prevent all competition in bidding, and thus enable them to buy in their own indebtedness for a mere song. Either of these alternatives we would deplore most deeply.

Upon grounds, both of inexpediency and unconstitutionality, we protest against the passage of this bill.

W. R. MILES,
JOHN I. GUION,
T. JONES STUART,
J. METCALF,
E. TURNER,
WM. M. LANSDALE,
JNO. H. WILLIAMS,
JAMES DUPREE,
GEORGE NICHOLSON,
WILLIAM BOOTH,
JNO. H. HORNE,
A. W. RAMSAY.

The following message was received from the governor through his private secretary, to-wit:

To the Senate:

I nominate George T. Swann, James McDowell, Elisha Stevens, George Fearne, and Robert Massey, commissioners of the Jackson and Brandon railroad and bridge company.

A. G. BROWN.

Executive chamber,
26th February, 1846.

On motion of Mr. Adams,

Said message was laid on the table.

Mr. Lipscomb asked and obtained leave to the introduction of a memorial of the citizens of the town of Colbert;

Which was read.

Mr. Lipscomb accompanied said memorial with a bill to be entitled,

An act to incorporate the town of Colbert, in the county of Lowndes;

Which was read the first time.

On motion of Mr. Lipscomb,

The constitutional rule was suspended,

And said bill was read the second time by title.

On the further motion of Mr. Lipscomb,

Said bill was considered as engrossed, and the rule further dispensed with,

And said bill was read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

On motion of Mr. Turner,

The regular orders of the day were suspended,

In order to take up a bill to be entitled,

An act to incorporate the Homochitto navigation improvement company;

Which was read the third time, and passed.

Ordered, that the title thereof be as stated.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. PRESIDENT—The house of representatives have passed bills of the following titles, viz:

A bill to be entitled,

An act for the relief of Bethany Hall and Abraham Hardy;

A bill to be entitled,

An act to consolidate the office of state commissioner and commissioner of the seminary fund, and for other purposes;

A bill to be entitled,

An act to authorise the board of police of Bolivar county to locate the seat of justice;

In which they desire the concurrence of the senate.

They have passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act for the relief of James N. Dowty,

And returned the papers furnished by the senate in support of the same.

The speaker of the house of representatives has signed a bill which originated in the house of the following title:

An act to change the mode of collecting revenue of hawkers and pedlars;

Which I am instructed to present to the senate for the signature of the president.

The house of representatives have passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act to establish at the city of Jackson a vaccine depot, and agency for the state, with a view to the prevention of small pox;

And have made sundry amendments thereto;

In which they desire the concurrence of the senate.

The house have passed a bill from the senate of the following title, viz:

A bill to be entitled;

An act relating to a wharf and landing in the city of Vicksburg,

By striking out all, after the enacting clause, and substituting a new bill in lieu thereof;

And have made an amendment to the title of the same, by adding the words,

"And for other purposes";

In which they desire the concurrence of the senate.

The president signed the bill in said message mentioned.

A bill to be entitled,

An act to consolidate the office of the state commissioner and commissioner of the seminary fund, and for other purposes,

Was read the first time.

On motion of Mr. Pegues,

The constitutional rule was suspended,

And said bill was read the second time by title.

On the further motion of Mr. Pegues,

Said bill was referred to the committee on the seminary fund.

On motion of Mr. Guion,

The senate concurred in the amendments made by the house of representatives to a bill from the senate to be entitled,

An act relating to a wharf and landing in the city of vicksburg.

On motion of Mr. Matthews,

The senate concurred in the amendments made by the house of representatives to a bill from the senate to be entitled,

An act to establish at the city of Jackson a vaccine depot and agency for the state, with the view to the prevention of small pox.

Mr. Price, from the committee on enrolled bills made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bills have presented to his excellency the governor bills and resolutions of the following titles, for his signature and approval:

A memorial to the congress of the United States in relation to the inundated lands in the state of Mississippi between the mouth of the Yazoo river and the northern boundary of the state,

And a resolution;

An act to incorporate the Lexington and Honey island turnpike company;

An act to require the liabilities of the president and directors of the railroad and turnpike company in the counties of Newton and Lauderdale, with their securities, to be put in suit;

A resolution granting leave of absence to the honorable Stephen Cocke;

Resolution for the relief of Landy Lindsey;

An act incorporating the Monroe lodge, No. 39, of free and accepted masons, of Perry county;

An act supplementary to an act by which the time of holding the circuit courts in the counties of Winston and Attala were changed, approved February 20th, 1846;

An act to amend an act reducing the fees of certain officers therein named, approved February 10, 1844, so far as relates to the counties of Couington, Wayne, Jones, &c.;

An act for the construction and repairing levees in the county of Issaquena.

NATH'L. S. PRICE, Chairman.

On motion of Mr. Lipscomb,

The senate concurred in the amendments made by the house of representatives to a bill from the senate to be entitled,

An act to incorporate the Columbus board of trade.

On motion of Mr. Adams,

The senate took a recess until half past three, P. M.

HALF-PAST 3 O'CLOCK, P. M.

The recess having expired,

The senate met.

Mr. Miles called from its place on the orders of the day, a bill to be entitled,

An act to regulate the practice and proceedings in the action of ejectment, and for other purposes.

The senate forthwith resolved itself into committee of the whole on said bill;

And after sometime spent therein, the committee rose,

And Mr. Boone reported said bill back with sundry amendments, and recommended the passage thereof.

On motion of Mr. Boone,

The report was received and agreed to;

And said bill, as amended, ordered to be engrossed for a third reading on to-morrow.

Mr. Nicholson asked and obtained leave to the introduction of a bill to be entitled,

An act relative to certain officers in Pike county;

Which was read the first time.

On motion of Mr. Nicholson

The constitutional rule was suspended,

And said bill read the second time by title.

On the further motion of Mr. Nicholson,

The rule was further suspended,

And said bill considered as engrossed,

And read the third time, and passed.

Ordered, that the title thereof be as stated.

Mr. Labauve asked and obtained leave to the introduction of a bill to be entitled,

An act to authorise the board of police of Issaquena county to employ a clerk to transcribe the records for said county;

Which was read the first time.

On motion of *Mr.* Labauve,

The constitutional rule was suspended,

And said bill was read the second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Lansdale asked and obtained leave to the introduction of a bill to be entitled,

An act to authorise an appeal or writ of error to the refusal of the circuit courts to grant continuances;

Which was read the first time.

Mr. Lansdale moved to suspend the rules to the end that said bill be read the second time forthwith;

Which was lost.

On motion of Mr. Boone,

A bill to be entitled,

An act to divide the state of Mississippi into four congressional districts,

Was called from the table.

Mr. Labauve moved to commit said bill to the whole house, and make it the order of the day for Monday next;

Which was lost.

Mr. Matthews moved to commit said bill to the whole house, and make it the order of the day for to-morrow 11 o'clock;

Which was lost.

The senate forthwith resolved itself into committee of the whole on said bill;

And after sometime spent therein, the committee rose,

And Mr. Ramsay reported back said bill, with sundry amendments.

Mr. Ramsay moved that the report be received;

Which was decided in the affirmative.

Mr. Labauve moved to lay said report on the table;

Which was lost.

Mr. Labauve offered the following amendment, to-wit:

Amend, by striking out from the enacting clause, and insert—

"That for the election of representatives in the congress of the United States, this state shall be, and is hereby divided, into four congressional districts, to-wit:

That the counties of Desoto, Marshall, Lafayette, Panola, Tunica, Coahoma, Yalobusha, Tallahatchie, Bolivar, Sunflower, Carroll, Choctaw, Washington and Holmes, shall compose the first district.

The counties of Tippah, Tishemingo, Pontotoc, Itawamba, Chickasaw, Monroe, Oktibbeha, Lowndes and Noxubee, shall compose the second district.

The counties of Issaquena, Yazoo, Madison, Warren, Hinds, Claiborne, Copiah, Jefferson, Adams, Franklin, Lawrence, Wilkinson, Amite, Pike and Marion, shall compose the third district.

And the counties of Attala, Winston, Leake, Neshoba, Kemper, Lauderdale, Newton, Scott, Rankin, Simpson, Smith, Jasper, Clarke, Covington, Jones, Wayne, Greene, Perry, Jackson, Harrison and Hancock, shall compose the fourth district.

Sec. 2. *Be it further enacted*, that each district shall be entitled to one representative, and that each representative elected shall be a citizen of the district which he shall have been elected to represent.

Sec. 3. *Be it further enacted*, that the election for representatives

to congress under this act, shall be held at the places now designated by law, in the several counties of this state, on the first Monday and day following in November, biennially, and said elections shall be conducted in the same manner as now required by law.

Sec. 4. *Be it further enacted*, that the returns of the elections for representatives to congress, shall be made by the sheriffs of the several counties in the several districts named in this act, to the secretary of state.

Sec. 5. *Be it further enacted*, that the sheriff of each county shall endorse, on the back of the returns, that they are "congressional returns"; and said returns shall be opened by the secretary of state, in the presence of the governor, and upon the same being received and opened, the governor shall issue a commission, under the seal of the state, to the person having the largest number of votes, in each district.

Sec. 5. *And be it further enacted*, that this act shall take effect from and after its passage;

Which was adopted.

Mr. Boone called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Acker, Booth, Beene, Dabney, Dupree, Durr, Guion, Horne, Hicks, Johnson, Lumpkin, Labauve, Lansdale, Metcalf, Matthews, Miles, Nicholson, Ramsay, Stuart, Turner, Wall, Williams and Willburn—25 votes.

Nays—Messrs. Boone, Fox, Lipscomb, Price, Pegues and Tillman—6 votes.

And said bill, as amended, was ordered to be engrossed for a third reading on to-morrow.

Mr. Boone called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Acker, Booth, Dupree, Guion, Horne, Hicks, Lumpkin, Lansdale, Metcalf, Miles, Nicholson, Ramsay, Stuart, Turner, Wall, Williams and Willburn—19 votes,

Noes—Messrs. Beene, Boone, Dabney, Durr, Fox, Johnson, Lipscomb, Labauve, Matthews, Pegues, Price and Tillman—12, votes.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. PRESIDENT—The house of representatives have passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act to amend an act entitled an act to prescribe the mode of proceeding against incorporated banks for a violation of their corporate franchises, and against persons pretending to exercise privileges under acts of incorporation, and for other purposes, approved July 26th, A. D. 1843.

A bill to be entitled,

An act for the relief of Bethany Hall and Abraham Hardy,

Was read a first time.

A bill to entitled,

An act to authorise the board of police of Bolivar county to locate the seat of justice,

Was read the first time, and,

On motion of Mr. Labauve,

The coustutional rule was suspended,

And said bill read the second time by title.

On the further motion of Mr. Labauve,

The rule was further suspended,

And said bill read the third time, and passed.

Ordered, that the tiile thereof be as stated.

The amendments made by the house of representatives to a bill from the senate, to be entitled,

An act to amend the several laws of the state in relation to courts of probate.

Were read.

Mr. Guion offered the following amendment, to-wit:

Amend by striking out the second section;

Which was adopted.

And said amendments, as amended, were concurred in.

Mr. Price, from the committee, on enrolled bills, made the following report, to-wit:

Mr. PRESIDENT—The joint standing committee on enrolled bills have this day presented to his excellency the governor, for his signature and approval, bills of the following titles, to-wit:

An act to amend an act entitled an act to divide the police district No. 4, in Carroll county, in which the towns of Shongalo and

Middleton are situated, into two magistrates' districts, and for other purposes, approved July 18, 1843;

An act to regulate the mileage of members of the legislature;

An act to repeal the eighth section of an act to be entitled an act for the suppression of tippling houses, and to discourage and prevent the odious vice of drunkenness, approved February 9, 1839.

NATH'L S. PRICE, Chairman.

A bill to be entitled,

An act to incorporate the Canton and Jackson railroad company,

Was read the second time.

The senate resolved itself into committee of the whole, on a bill to be entitled,

An act to authorise the mayor and alderman of the city of Jackson to erect a bridge across Pearl river, and for other purposes;

And after sometime spent therein, the committee rose,

And Mr. Boone reported progress, and asked leave to sit again to-morrow at 11 o'clock.

On motion of Mr. Boone,

The report was received and agreed to.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. PRESIDENT—The house of representatives have concurred in the amendments made by the senate to the house bill entitled,

An act to fix the apportionment of the representatives and senators of this state.

The following message was received from his excellency the governor through his private secretary, to-wit:

Mr. PRESIDENT—His excellency the governor has approved and signed bills of the following titles, which originated in the senate:

An act to amend an act reducing the fees of certain officers therein named, approved February 10th, 1844, so far as relates to the counties of Covington, Wayne and Jones;

An act for the construction and repairing levees in the county of Issaquena;

An act supplementary to an act by which the time of holding the circuit courts in the counties of Winston and Attala were changed, approved February 20th, 1846;

An act to incorporate the Monroe lodge, No. 39, of free and accepted masons, of Perry county;

An act to require the liabilities of the president and directors of the railroad and turnpike company in the counties of Newton and Lauderdale with their securities to be put in suit;

An act to incorporate the Lexington and Honey island turnpike company;

A memorial to the congress of the United States in relation to the inundated lands in the state of Mississippi between the mouth of the Yazoo river and the northern boundary of the state,

And a resolution;

Resolution granting leave of absence to the honorable Stephen Cocke;

Resolution for the relief of Landy Lindsey:

Approved 27th February, 1846.

On motion of Mr. Dupree,

The senate adjourned until to-morrow, 9 o'clock, A. M.

FRIDAY, FEBRUARY 27th, 1846.

The senate met pursuant to adjournment.

The journal of Saturday was read.

Mr. Wall asked and obtained leave to the introduction of

A bill to be entitled,

An act to authorise William H. Scott, of the parish of Rapides, state of Louisiana, to remove the property of his child, Ellen C. Scott, a minor, from the county of Amite, in the state of Mississippi, to the state of Louisiana;

Which was read the first time.

On motion of Mr. Wall,

The constitutional rule was suspended,

And said bill read the second time, and

On the further motion of Mr. Wall,

The rule was further suspended,

And said bill considered as engrossed and read the third time and passed.

Ordered, that the title thereof be as stated.

On motion of Mr. Adams,

The message of his excellency, the governor, nominating Geo. T. Swann, James McDowel, Elisha Stevens, George Fearne and Robert Maxcy commissioners on the Jackson & Brandon rail-road and bridge company,

Was called from the table.

On motion of Mr. Adams,

The senate resolved itself into executive session on said message with open doors.

On motion of Mr. Adams,

The senate advise and consent to said nominations.

Mr. Lumpkin asked and obtained leave to the introduction of

A bill to be entitled,

An act to incorporate the Mississippi and Arkansas turnpike company;

Which was read the first time.

On motion of Mr. Lumpkin,

The constitutional rule was suspended,

And said bill read the second time by title.

On motion of Mr. Lumpkin,

Said bill was ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Landsdale,

A bill to be entitled,

An act to divide the state of Mississippi into four congressional districts,

Was called from the orders of the day and read the third time.

Mr. Labauve moved to postpone the further consideration of said bill until to-morrow;

Which was lost.

Mr. Labauve offered the following amendment by way of ryder, to-wit:

SEC. — *And be it further enacted*, That nothing in this act shall be so construed as to imply an acknowledgment on the part of this state, that congress possesses the constitutional power to command or direct the legislatures of the respective states to district the same, but that right is hereby positively denied;

Which was adopted.

Mr. Matthews called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Adams, Acker, Briscoe, Beene, Boone, Durr, Fox, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Pegues, Price, Stewart, Tillman, Turner, Wall and Willburn—20 votes.

Noes—Mr. President, Booth, Dupree, Guion, Horne, Landsdale, Metcalf, Miles, Nicholson, Ramsay and Williams—11 votes.

The question was then had on the final passage of said blll;

Which carried.

Ordered, that the title thereof be as stated.

Mr. Briscoe called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Acker, Booth, Dupree, Guion, Horne, Landsdale, Metcalf, Miles, Nicholson, Price, Ramsay, Stewart, Turner, Wall, Willburn and Williams—18 votes.

Noes—Messrs. Briscoe, Boone, Beene, Durr, Fox, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Pegues, Tillman and Dabney—14 votes.

The following message was received from the house of representatives, through Mr. Montgomery, their clerk, to-wit:

Mr. President—The house of representatives have given leave to the introduction of a bill of the following title, viz:

A bill to be entitled,

An act to explain and regulate the duties of inspectors of elections.

They have passed a bill of the following title, viz:

A bill to be entitled,

An act to incorporate Wilkinson lodge, No. 10, of the independent order of odd fellows, in the town of Woodville, Wilkinson county;

In which they desire the concurrence of the senate.

A bill to be entitled,

An act to incorporate Wilkinson lodge, No. 10, of the independent order of odd fellows, in the town of Woodville, Wilkinson county,

Was read the first time.

On motion of Mr. Williams,

The constitutional rule was suspended,

And said bill read the second time by title.

On the further motion of Mr. Williams,

The rule was further suspended,

And said bill read the third time and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to incorporate the Canton and Jackson rail-road company,

Was read the third time and passed.

Ordered, That the title thereof be as stated.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

MR. PRESIDENT—The joint standing committee on enrolled bills have examined,

An act to incorporate the Columbus board of trade;

An act for the relief of James N. Dowty;

An act to amend an act entitled an act for the protection and preservation of the rights of Married women, approved February 15, 1839;

An act to amend an act entitled an act to prescribe the mode of proceeding against incorporated banks for a violation of their corporate franchises, and against persons pretending to exercise corporate privileges under acts of incorporation, and for other purposes, approved July 26, 1843;

A memorial and resolution of the legislature of the state of Missiesippi to congress in relation to the improvement of the navigation of certain rivers;

And have found the same correctly enrolled.

The president signed the bills in said report mentioned.

On motion of Mr. Williams,

The rule limiting the presentation of claims to the 20th inst. was suspended.

Mr. Williams presented the claim of James Hudson, which, on his motion, was referred to the committee on claims.

Mr. Guion presented the claim of Henry Mattaw, which, on his motion was referred to the committee on claims.

Mr. Boone, on his motion, had leave of absence granted him to prepare an appropriation bill.

On motion of Mr. Dupree,

A bill to be entitled,

An act for the relief of John A. Cotton, and for other purposes,

Was called from the table and read the first time.

On motion of Mr. Matthews,

Said bill was referred to the committee on the seminary fund.

A bill to be entitled,

An act granting pre-emption rights to settlers on the 500,000 acres of state lands in certain cases,

Was read the second time.

On motion of Mr. Matthews,

Said bill was referred to a committee of the whole house, and made the order of the day for to-morrow.

The senate resolved itself into committee of the whole on

A bill to be entitled,

An act to authorize the mayor and aldermen of the city of Jackson to erect a bridge across Pearl river, and for other purposes;

And after some time spent therein, the committee rose, and Mr. Beene reported back said bill with sundry amendments.

On motion of Mr. Beene,

The report was received and agreed to, and said amendments were ordered to be engrossed for a third reading on to-morrow, with said bill.

The following message was received from the house of representatives, through their clerk, Mr. Montgomery, viz:

Mr. President—The speaker of the house of representatives has signed a bill which originated in the house of the following title, viz:

An act to fix the apportionment of the representatives and senators in this state;

Which I am instructed to present to the senate for the signature of the president.

The house of representatives have passed a preamble and resolution in relation to an act passed at this session of the legislature for the relief of Thomas Jefferson Hill, enrolled Thomas G. Hill;

In which they desire the concurrence of the senate.

They have passed bills from the senate of the following titles, viz:

A bill to be entitled,

An act to incorporate the town of Colbert, in the county of Lowndes;

A bill to be entitled,

An act to incorporate the Homochitto navigation company.

They have passed bills of the following titles, viz:

A bill to be entitled,

An act for the relief of D. R. Jones, sheriff of Scott county;

A bill to be entitled,

An act to attach the county of Issaquena to the third judicial district, and for other purposes,

In which they desire the concurrence of the senate.

They have also passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act relative to certain officers of Pike county.

A bill to be entitled,

An act for the relief of Bethany Hall and Abraham Hardy,

Was read the second time.

A resolution in relation to an act for the relief of Thomas Jefferson Hill,

Was read the first time; and

On motion of Mr. Lumpkin,

The constitutional rule was suspended,

And said resolution was read the second time.

On the further motion of Mr. Lumpkin,

The rule was further suspended,

And said resolution was read the third time and adopted.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act for the relief of D. R. Jones, sheriff of Scott county,

Was read the first time.

On motion of Mr. Adams,

The constitutional rule was suspended,

And said bill read the second time by title.

On the further motion of Mr. Adams,

Said bill was referred to a select committee of three.

Messrs. Adams, Beene and Dupree were appointed said committee.

Mr. Adams, from a select committee to whom was referred the above bill, reported the same back with an amendment.

On motion of Mr. Adams,

The report was received and agreed to.

On motion of Mr. Adams,

Said bill was laid on the table.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. President—The house of representatives have passed a bill of the following title, viz:

A bill to be entitled,

An act for the relief of William Rawles, of Tunica county, William Lassiter, of Coahoma, and Thomas Brewster, of Tishemingo counties,

In which they desire the concurrence of the senate.

A bill to be entitled,

An act to regulate the practice and proceedings in the action of ejectment, and for other purposes,

Was read the third time and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to authorize the board of police of Issaquena county to employ a clerk to transcribe the records for said county,

Was read the third time and passed.

Ordered, That the title thereof be as stated.

A resolution to provide for the appointment of a commissioner of the sinking fund, town-lot fund and university fund,

Was read the third time.

Mr. Durr moved to lay said resolution on the table;

Which was lost.

Mr. Adams moved to commit said resolutions to the committee on the seminary fund;

Which was lost,

And said resolution was put on its final passage and adopted.

Ordered, that the title thereof be as stated.

A resolution in relation to the two and three per cent. funds,

Was read the third time.

Mr. Miles offered the following amendment by way of ryder, to-wit:

Be it further resolved, That nothing in these resolutions shall be so construed as to release the state of Mississippi from any liability she is now under to the said fund by reason of the defalcation of Richard S. Graves, late treasurer of said state;

Which was lost.

Mr. Miles called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Booth, Dupree, Durr, Guion, Metcalf, Miles, Nicholson, Price, Stewart, Turner, Williams and Willburn—14 votes.

Noes—Messrs. Acker, Briscoe, Beene, Boone, Dabney, Horne, Hicks, Johnson, Lipscomb, Labauve, Lumpkin, Matthews, Pegues, Ramsay, Tillman and Wall—16 votes;

And said resolution was put on its final passage and adopted.

Ordered, that the title thereof be as stated.

On motion of Mr. Briscoe,

A bill to be entitled,

An act to repeal an act entitled an act to prescribe the mode of proceeding against incorporated banks for a violation of their corporate franchises, and against persons pretending to exercise corporate privileges under acts of incorporation, and for other purposes, approved July 26, A. D. 1843,

Was laid on the table.

A resolution in relation to the removal of the land office from Augusta, in Perry county, to Paulding, in Jasper county,

Was before the senate for engrossment.

Mr. Ramsay moved to reject said resolution;

Which was lost.

Mr. Adams called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Acker, Beene, Boone, Horne, Lipscomb, Nicholson, Pegues, Price, Ramsay, Stewart, Tillman, Turner and Wall—14 votes.

Noes—Messrs. Adams, Briscoe, Booth, Dabney, Dupree, Durr, Guion, Hicks, Lumpkin, Labauve, Metcalf, Matthews, Miles and Williams—14 votes.

The question was then had on the engrossment thereof;

Which was lost.

A bill to be entitled,

An act to authorize an appeal on writ of error to the refusal of the circuit courts to grant continuances,

Was before the senate for a second reading.

Mr. Boone moved to lay said bill on the table until the first day of July next;

Which was lost.

On motion of Mr. Turner,

Said bill was laid on the table.

The senate resolved itself into committee of the whole on bills of the following titles, to-wit:

A bill to be entitled,

An act concerning the sheriff and tax collectors of Hinds county;

A bill to be entitled,

An act to authorize the auditor of public accounts to remit the damages of thirty per cent. now required to be charged against defaulting tax collectors in certain cases, and to repeal so much of the 34th section of an act entitled an act to reduce into one the several acts in relation to the revenue of this state, approved 24th of February, 1844, as authorizes the sheriffs to collect double taxes;

And after some time spent therein, the committee rose, and Mr. Price reported said bill back as amended.

On motion of Mr. Price,

The report was received and agreed to.

Mr. Matthews moved to re-insert the following as an amendment to the bill last named, to-wit:

That hereafter when any sheriff or tax-collector shall produce to the auditor of public accounts satisfactory evidence that difficulties that are or were unavoidable, or beyond his control, have prevented him from completing the collection of the state tax due from his county, in time for him to close his settlement with the auditor and state treasurer by the close of the fiscal year, the auditor of public accounts, with the assent of the governor, may remit the damages of thirty per cent. now required to be charged against defaulting tax-collectors in such case during such time as in his discretion he shall deem proper and just, not exceeding in any case sixty days from and after the end of the fiscal year.

SEC. 2. *And be it further enacted*, That so much of the 34th section of an act entitled an act to amend and reduce into one the several acts in relation to the revenue of this state, and for other purposes, approved 24th February, 1844, as authorizes the sheriff to collect double taxes, be, and the same is hereby repealed; and that hereafter in all cases where the sheriffs or tax-collectors may have to distrain property and collect taxes, in each case of distraint for taxes, the tax-collector shall be authorized to collect from each delinquent tax-payer one dollar for his own use; and compensation

for distraining and collecting the taxes from said delinquent.

Sec. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Mr. Labauve offered the following amendment to the amendment, to-wit:

"Amend by striking out the last section;"

Which was adopted.

Mr. Adams offered the following amendment, to-wit:

"Sec. 1, strike out 60 days, and insert 30 days;"

Which was adopted.

The question was then had on the adoption of the first section of the first amendment; which was decided in the affirmative.

Mr. Matthews called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Adams, Beene, Boone, Dabney, Dupree, Durr, Fox, Horne, Hicks, Lipscomb, Lumpkin, Metcalf, Matthews, Pegues, Tillman, Turner, Wall, Williams and Willburn—19 votes.

Noes—Mr. President, Acker, Booth, Guion, Johnson, Labauve, Miles, Nicholson, Ramsay and Stewart—10 votes.

The question was had on the adoption of the 2d section of the first amendment, which prevailed.

Mr. Adams called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Adams, Acker, Beene, Boone, Dabney, Durr, Fox, Guion, Horne, Johnson, Lumpkin, Labauve, Matthews, Pegues, Ramsay, Stewart, Tillman, Wall, Williams and Willburn—20 votes.

Noes—Mr. President, Booth, Dupree, Lipscomb, Metcalf, Miles, Nicholson and Turner—10 votes.

And said bill as amended was ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Labauve,

The bill first named was laid on the table.

Mr. Matthews asked and obtained leave to the introduction of

A bill to be entitled,

An act amendatory and explanatory of an act to designate in what manner and in what county suits shall be brought against the state of Mississippi, approved February 15, 1833;

Which was read the first time,

Mr. Boone, from the committee on claims to whom was referred A bill to be entitled,

An act making compensation to the commissioner ex officio of public buildings,

Reported that the commitee had considered the justice of claims presented by these officers, and made what they conceive, a fair allowance in the appropriation bill now preparing, and the further consideration of the bill be postponed;

Which was read, and

On motion of Mr. Boone,

The report wrs received and agreed to.

The president announced that the further consideration of said bill was postponed.

A bill to be entitled,

An act to attach the county of Issaquena to the third judicial district, and for other purposes,

Was read the first time.

On motion of Mr. Boone,

The constitutional rule was suspended,

And said bill was read the second time by title.

On motion of Mr. Guion,

Said bill was laid on the table.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bills have this day presented to his excellency, the governor, for his approval and signature, bills of the following titles, to-wit:

An act to change the mode of collecting revenue of hawkers and pedlars;

An act to amend an act entitled an act for the protection and preservation of the rights of married women, approved Feb 15, 1839;

An act to amend an act entitled an act to prescribe the mode of proceeding against incorporated banks for a violation of their corporate franchises, and against persons pretending to exercise corporate privileges under acts of incorporation, and for other purposes, approved Feb. 26, A. D. 1843;

An act for the relief of James N. Dowty;

An act to incorporate the Columbus board of trade;

A memorial and resolution of the legislature of the state of Mis-

sissippi to congress in relation to the improvement of the navigation of certain rivers.

N. S. PRICE, Chairman.

Mr. Miles asked and obtained leave to the introduction of

A bill to be entitled,

An act to authorize tax-collectors to receive certain certificates in payment of taxes;

Which was read the first time.

On motion of Mr. Miles,

The senate adjourned until to-morrow morning, 9 o'clock.

SATURDAY, February 28, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Wall presented the petition of Josiah Benton and Francis, his wife;

Which was read.

On motion of Mr. Wall,

Said petition was referred to a select committee of three.

Messrs. Wall, Lansdale and Horne were appointed said committee.

Mr. Durr from the standing committee on propositions and grievances, to whom was referred the petition of Garet Ford, reported a bill to be entitled,

An act for the relief of Garet Ford;

Which was read the first time.

On motion of Mr. Labauve,

The constitutional rule was suspended,

And said bill read the second time by title.

The question was had on the engrossment of said bill;

Which was lost.

Mr. Guion, from the standing committee on the judiciary, to whom was referred a bill to be entitled,

An act limiting the tenure of certain officers therein named, reported said bill back without amendment, and that it is expedient to pass it.

On motion of Mr. Guion,

The report was received and agreed to.

On motion of Mr. Guion,

Said bill was indefinitely postponed.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. PRESIDENT—The house of representatives have passed a resolution authorising the secretary of state to correct the enrolled bill entitled,

An act in relation to the probate judge of Hinds county, "so as to make it read Mary Stoveall, instead of Sarah Stovall."

A bill to be entitled,

An act to change the name of Thomas Henry Daniel to that of Smith Coffey Daniel;

A bill to be entitled,

An act supplemental to an act to restrict the sheriff of Itawamba county from doing constable's business, and for other purposes, approved February 23d, 1844;

A bill to be entitled,

An act to amend an act entitled an act to repeal an act to incorporate the town of Panola in the county of Panola, approved January 27, 1840;

A bill to be entitled,

An act to declare Line creek a navigable stream;

A bill to be entitled,

An act to amend and define the boundaries of the several counties in this state, passed 27th June, 1822;

In which they desire the concurrence of the senate.

They have passed a bill from the senate of the following title, to-wit:

A bill to be entitled,

An act to authorise William H. Scott, of the parish of Rapides, state of Louisiana, to remove the property of his child, Ellen C. Scott, a minor, from the county of Amite, in the state of Mississippi to the state of Louisiana.

Mr. PRESIDENT—The house of representatives have passed a bill of the following title, viz:

A bill to be entitled,

An act to grant to grant to Isham Daniel a charter for a ferry across Pearl river, in Leake county;

A bill to be entitled,

An act to define in what justices' districts suits may be brought;

In which they desire the concurrence of the senate.

They have passed bills from the senate of the following titles, to-wit:

A bill to be entitled,

An act to authorise Joseph Benton and Frances, his wife, to remove certain property to the state of Louisiana;

A resolution in relation to the two and three per cent. funds;

A bill to be entitled;

An act to incorporate the town of Waterford, in Marshall county;

A bill to be entitled,

An act to authorise the revival of suits or judgments at law by scire facias, and in equity by bill of revivor, in certain cases.

Also, a bill from the senate of the following titie, viz:

A bill to be entitled,

An act to change the time of holding the circuit courts in the third judicial district in this state, and for other purposes;

And have made sundry amendments thereto, and also an amendment to the title;

In all of which they desire the concurrence of the senate.

They have concurred in amendments made by the senate to the house bill entitled,

An act to consolidate the offices of the state commissioner and commissioner of the seminary fund, and for other purposes.

Mr. PRESIDENT—The speaker of the house of representatives has signed bills which originated in the house of the following titles, to-wit:

An act to authorise the board of police of Bolivar county to locate the seat of justice;

An act to incorporate Williamson lodge, No. 10, of the independent order of odd fellows, in the town of Woodville, Wilkinson county;

Which I am instructed to present to the senate for the signature of the president.

The house have passed bills of the following titles:

A bill to be entitled,

An act to amend an act entitled an act declaring Noxubee river a navigable stream, and for other purposes;

A bill to be entitled,

An act to authorise the board of police of Covington county to have transcribed into suitable books the records of the probate court of said county;

A bill to be entitled,

An act to amend an act to provide for funding treasuary warrants issued prior to the first day of January, one thousand eight hundred and forty-one;

In which they desire the concurrence of the senate.

The house of representatives have passed bills from the senate of the following titles, viz:

A bill to be entitled,

An act to confirm the title of Joseph Stevens, of Rankin county, to a tract of land therein mentioned;

A bill to be entitled,

An act to regulate the fees of sheriffs in certain cases.

The house have disagreed to the amendment made by the senate to the amendments made by the house to the senate bill entitled,

An act to amend the several laws of the state in relation to courts of probate.

They have passed a bill of the following title, viz:

A bill to be entitled,

An act to change the name of William Jamison Bowen to that of William Jamison Wilson.

They have also passed a bill from the senate of the following title, to-wit:

A bill to be entitled,

An act to authorise the board of police of Issaquena county to employ a clerk to transcribe the records for said county;

And have made sundry amendments thereto, and also to the title of the same;

In all of which they desire the concurrence of the senate.

The house have given leave to the introduction of bills of the following titles, viz:

A bill to be entitled,

An act to provide for the sale of the 500,000 acres of land do-

nated the state of Mississppi by an act of congress, approved 6th September, A. D. 1841, and for other purposes;

A bill to be entitled,

An act to regulate the mode of proceeding in suits brought for the recovery of physicians' bills.

The president signed the bills in said message mentioned.

Mr. Guion, from the judiciary committee to whom was referred a bill to be entitled,

An act to authorise the revival of suits or judgments at law by scire facias, and in equity by bill of revivor,

Reported said bill back without amendment, and recommended its passage.

On motion of Mr. Guion,

The report was received and agreed to.

On motion of Mr. Guion,

Said bill was considered as engrossed, and read the third time, and passed.

Ordered, that the title thereof be as stated.

Mr. Guion, from the standing committee on the judiciary to whom was referred the petition of W. D. Hathorn, and a bill accompanying the petition, reported that it is inexpedient to grant the prayer of the petitioner, and recommend the rejection of the bill.

On motion of Mr. Guion,

The report was received, and the bill rejected.

The following message was received from his excellency, the governor, through his private secretary, to-wit:

Mr. PRESIDENT—His excellency the governor has this day approved and signed the following bills:

An act to amend act entitled an act for the protection and preservation of the rights of married women, approved February 15th, 1839;

An act to incorporate the Columbus board of trade;

An act for the relief of James N. Dowty;

An act to amend an act entitled an act to prescribe the mode of proceeding against incorporated banks for a violation of their corporate franchises, and against persons pretending to exercise corporate privileges under acts of incorporation, and for other other purposes, approved July 26th, 1843;

A memorial and resolutions of the legislature of the state of Mississippi to congress in relation to the improvement of the navigation of certain rivers:

Approved 28th February, 1846,

Mr. Guion, from the judiciary committee to whom was referred a bill from the house of representatives to be entitled,

An act to regulate the liens of judgments and decrees, approved 16th February, 1841, and for other purposes, approved the 24th of of February, 1844,

Reported that it is inexpedient to pass said bill, and recommend the passage of a bill to be entitled,

An act to amend the laws of the state in relation to the enrolment and liens of judgments at law and decrees in chancery,

As a substitute for said bill;

Which was read and received.

Mr. Matthews offered the following amendment, to-wit:

Strike out one dollar, and insert fifty cents;

Which was lost.

Mr. Miles offered the following amendment, to-wit:

Amend by adding—

Sec. 5. *Be it further enacted*, That this act shall take effect and be in force from and after its passage;

Which was adopted.

The question was then had on the adoption of the substituted bill, which was decided in the affirmative;

And said bill, as amended, was ordered to be engrossed for a h ird reading on to-morrow.

Mr. Guion, from the standing committee on the judiciary made the following report, to-wit:

Mr. PRESIDENT—The committee on the judiciary to whom was referred a bill from the house of representatives to be entitled,

An act to amend the laws of this state in relation to unlawful and forcible entry and detainer,

Have had the same under consideration, and have instructed me to make the following report:

The first section of said bill, without any limitation as to the amount of the judgment to be rendered by the justices of the peace trying writs of forcible entry or unlawful detainer, for rent in arrears, would, in the opinion of the committee, violate that clause of

the constitution which limits the jurisdiction of justices of the peace to sums not exceeding fifty dollars. With the necessary limitation, it would defeat the object of the bill, which seems to be to prevent a multiplicity of actions in cases coming within its provisions, another effect might be a prevention of justice. As in cases in which a greater sum than fifty dollars is due for rent, a recovery of that sum under the provisions of this bill, might be a bar to any other action for the balance of rent due and unpaid. The committee, therefore, recommend that the bill be rejected;

Which was read,

And said report received.

On motion of Mr. Labauve,

Said bill was referred to a committee of four.

Messrs. Matthews, Miles, Beene and Lansdale were appointed said committee.

Mr. Matthews, from the judiciary committee to whom was referred a resolution requiring the judiciary committee to look into the bastardy law and see what court had jurisdiction of the subject,

Reported that the subject matter of said resolution is already fixed and defined by law; and beg leave to be discharged from the further consideration thereof.

On motion of Mr. Miles,

The report was received and agreed to.

Mr. Miles, from the judiciary committee to whom was referred a bill to be entitled,

An act to authorise the courts to tax prosecutors with costs in certain cases,

Reported said bill back without amendment, and recommended its passage.

On motion,

The report was received and agreed to;

And said bill read the third time, and passed.

Ordered, That the title thereof be as stated.

Mr. Durr called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Acker, Booth, Dabney, Guion, Lipscomb, Lumpkin, Labauve, Miles, Nicholson, Pegues, Ramsay, Stuart, Tillman, Turner, Wall, Williams and Willburn—19 votes.

Noes—Messrs. Beene, Dupree, Durr, Fox, Hicks, Lansdale, Metcalf, Matthews and Price—9 votes.

Mr. Wall, from a select committee, reported a bill to be enittled,

An act to authorise Josiah Benton and his wife, Frances, to remove certain property to the state of Louisiana;

Which was read the first time.

On motion of Mr. Wall,

The constitutional rule was suspended,

And said bill was read the second time by title.

On further motion of Mr. Wall,

The rule was further suspended,

And said bill was considered as engrossed, and read the third time forthwith, and passed.

Ordered, that the title thereof be as stated.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. PRESIDENT—The joint standing committee on enrolled bills have examined,

An act to authorise the board of police of Bolivar county to locate the seat of justice;

An act to incorporate Wilkinson lodge, No. 10, of the independent order of odd fellows in the town of Woodville, Wilkinson county;

An act to incorporate the Homochitto navigation improvement company;

An act to incorporate the town of Colbert, in the county of Lowndes;

An act relating to a wharf and landing in the city of Vicksburg, and for other purposes;

And have found the same correctly enrolled.

NATH'L. S. PRICE, Chairman.

The senate took up the resolution authorising the secretary of state to correct the enrolled bill entitled,

An act in relation to the probate judge of Hinds county, so as to make it read Mary Stoveall, instead of Sarah Stoveall;

Which was read the first time.

On motion,

The constitutional rule was suspended;

And said resolution was read the second time by title.

On motion,

The constitutional rule was further suspended,

And said resolution was read the third time, and passed.

Ordered, that the title thereof be as stated.

The president signed the enrolled bill of the above title.

Mr. Dabney, from the judiciary committee to whom was referred a bill to be entitled,

An act reducing into one the different acts in relation to the treasury,

Reported that said committee do not believe that, in the discharge of their appropriate duties, it is incumbent upon them to institute an inquiry into the affairs and condition of the state treasury, or to frame other laws for its more perfect organization, if the same are necessary; and such being the objects intended to be accomplished by said bill, they are of opinion that the same was improperly referred to them, and have directed me to report the same back, and ask leave to be discharged from the further consideration thereof;

Which was read, and the committee discharged from its further consideration.

On motion of Mr. Turner,

Said bill was referred to the committee of the whole house, and made the order of the day for Monday next.

Mr. Matthews asked and obtained leave to the introduction of a bill of the following title, to-wit:

A bill to be entitled,

An act to incorporate the town of Waterford, in Marshall county;

Which was read the first time.

On motion of Mr. Matthews,

The constitutional rule was suspended,

And said bill was read the second time.

On the further motion of Mr. Matthews,

The rule was further suspended,

And said bill considered as engrossed, read the third time forthwith, and passed.

Ordered, That the title thereof be as stated.

Mr. Ramsay asked and obtained leave to the introduction of a bill of the following title, to-wit:

A bill to be entitled,

An act to provide for a geological survey of this state;

Which was read the first time.

On motion of Mr. Ramsay.

The constitutional rule was suspended;

And said resolution was read the second time.

Mr. Labauve moved to strike out "five thousand," in the second section of said bill, and in lieu thereof, insert "five hundred."

Mr. Williams moved to insert "fifteen hundred."

Mr. Willburn moved to insert "two thousand and five hundred."

The question was first had upon striking out;

Which was decided in the affirmative.

On motion of Mr. Ramsay,

The blank in said bill was filled with the number two thousand.

Mr. Ramsay moved to consider said bill as engrossed;

Which was lost.

On motion of Mr, Ramsay,

Said bill was ordered to be engrossed for a third reading on Monday next.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Booth, Dupree, Durr, Fox, Guion, Lumpkin, Lansdale, Miles, Nicholson, Ramsay, Stuart, Tillman, Turner, Wall, Williams and Willburn—18 votes.

Noes—Messrs. Acker, Beene, Dabney, Hicks, Johnson, Lipscomb, Labauve, Metcalf, Matthews, Pegues and Price—11 votes.

Mr. Guion called from the table a bill to be entitled,

An act for the relief of Williams Nichols;

Which was read, and ordered to be engrossed for a third reading on to-morrow.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Booth, Dupree, Durr, Fox, Guion, Lumpkin, Lansdale, Metcalf, Miles, Pegues, Ramsay, Stuart, Tillman, Turner and Williams—16 votes.

Noes—Messrs. Adams, Acker, Beene, Boone, Dabney, Hicks, Johnson, Lipscomb, Labauve, Matthews, Nicholson, Price, Wall and Willburn—14 votes.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

Mr. PRESIDENT—The house of representatives have passed a bill of the following title, to-wit:

A bill supplementary to an act to incorporate the Canton femal e academy, of Madison county.

They have passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act to incorporate and establish the town of Yazoo city, and for revising and repealing all laws and parts of laws heretofore enacted on that subject;

And have made sundry amendments thereto;

In all of which I am instructed to desire the concurrence of the senate.

On motion of Mr. Guion,

The senate insisted on the amendment made by the senate to amendments made by the house of representatives to a bill from the senate to be entitled,

An act to amend the several laws of this state in relation to courts of probate;

And ask a committee of conference, to consist of three on the part of the senate:

Messrs. Guion, Miles and Matthews were appointed said committee.

Mr. Lipscomb, from the standing committee on the seminary fund, to whom was referred a bill to be entitled,

An act to consolidate the offices of state commissioner and commissioner of the seminary fund into one office, and for other purposes,

Reported said bill back with an amendment.

Mr. Pegues, from the same committee, made a minority report, and therein reported a bill to be entitled,

An act to reduce the salaries of the state commissioner and commissioner of the seminary fund, and for other purposes,

As a substitute for the original bill.

The question was had on agreeing to the report of the majority of the committee;

Which was decided in the affirmative.

On motion of Mr. Miles,

Said amendment was considered as engrossed,

And the bill and amendment read the third time, and passed.

Ordered, that the title thereof be as stated.

Mr. Adams called from the table a bill to be entitled,

An act for the relief of D. R. Jones, sheriff of Scott county.

Mr. Booth moved the indefinite postponement of said bill;

Which was lost.

Mr. Labauve offered the following amendment, to-wit:

Sec. —. *Be it further enacted*, that Henry L. Bennett, of Issaquena county, be and is hereby allowed fifty dollars for arresting and guarding a negro slave charged with murder, and that the treasurer be and is hereby authorised to pay said Bennett fifty dollars out of any money in the treasury not otherwise appropriated;

Which was lost.

Mr. Price offered the following mendment, to-wit:

Sec. —. *Be it further enacted*, that E. W. Rogers, deputy sheriff of Tippah county, be allowed the sum of fifty dollars, for the travel of one hundred and fifty miles in the state of Tennessee, and the arrest and bringing to justice A. J. McCannon, the murderer of the Adcock family.

On motion of Mr. Miles,

Said bill and the amendments were laid on the table.

Mr. Stuart called for the consideration of a bill from the house of representatives to be entitled,

An act to define the boundaries of the several counties in this state, passed 29th June, A. D. 1822.

Which was read the first time.

On motion of Mr. Stuart,

The constitutional rule was suspended,

And said bill was read the second time by title.

Mr. Metcalf moved to lay said bill on the table until the first day of July next;

Which was lost.

On motion of Mr. Stuart,

The constitutional rule was suspended,

And said bill was read the third time forthwith, and passed.

Ordered, that the title thereof be as stated.

Mr. Matthews offered the following resolution, to-wit:

Resolved, that it is the sense of the senate, that in the action of

all joint committees of the two houses, a concurrence in any measure shall only be had by the vote of a majority of the committee on the part of each house;

Which was read.

On motion of Mr. Turner,

The further consideration thereof was postponed until half-past three o'clock, P. M.

Mr. Wall asked and obtained leave to the introduction of a bill to be entitled,

An act supplemental to an act entitled an act to fix the apportionment of representatives and senators in this state;

Which was read the first time.

On motion of Mr. Wall,

The constitutional rule was suspended,

And said bill read the second time.

Mr. Fox moved the indefinite postponement of said bill;

Which was lost.

Mr. Wall called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Dabney, Fox, Lipscomb, Lumpkin, Labauve, Matthews and Tillman—9 votes.

Noes—Messrs. Acker, Booth, Beene, Dupree, Durr, Guion, Hicks, Johnson, Lansdale, Metcalf, Miles, Nicholson, Pegues, Price, Ramsay, Stuart, Turner, Wall, Williams and Willburn—20 votes.

Mr. Lumpkin offered the following amendment, to-wit:

The counties of Panola and Tallahatchie, one senator;

The counties of Yazoo, Washington, Issaquena, Bolivar and Coahoma, one senator;

Which was lost.

On motion of Mr. Labauve,

Said bill was laid on the table until the first day of May next.

Mr. Wall called for the ayes and noes thereon, which are follows, to-wit:

Ayes—Mr. President, Adams, Acker, Boone, Dabney, Durr, Fox, Hicks, Lipscomb, Lumpkin, Labauve, Matthews, Pegues, Ramsay, Tillman, Williams and Willburn—16 votes.

Noes—Messrs. Booth, Beene, Dupree, Guion, Lansdale, Metcalf, Miles, Nicholson, Price, Stuart, Turner and Wall—12 votes.

Mr. Lumpkin called from the orders of the day a bill to be entitled,

An act to incorporate the Mississippi and Arkansas turnpike company;

Which was read the third time, and passed.

Ordered, that the title thereof be as stated.

On motion of Mr. Ramsay,

Mr. Briscoe, the senator from Claiborne, had leave of absence during his indisposition.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. PRESIDENT—The joint standing committee on enrolled bills have this day presented to his excellency the governor, for his approval and signature, bills of the following titles—

Originating in the senate:

An act to incorporate the Homochitto navigation improvement company;

An act relating to a wharf and landing in the city of Vicksburg, and for other purposes;

An act to incorporate the town of Colbert, in the county of Lowndes.

Originating in the house:

An act to authorise the board of police of Bolivar county to locate the seat of justice;

An act to incorporate Wilkinson lodge, No. 10, of the independent order of odd fellows, in the town of Woodville, Wilkinson county;

An act to fix the apportionment of the representatives and senators in this state.

NATH'L S. PRICE, Chairman.

On motion of Mr. Adams,

The senate took a recess until half-after three o'clock, P. M.

HALF-AFTER THREE O'CLOCK, P. M.

The recess having expired,

The senate met.

On motion of Mr. Miles,

The seuate concurred in the amendments made by the house of representatives to a bill from the senate to be entitled,

An act to incorporate and establish the town of Yazoo City, and for revising and repealing all laws and parts of laws heretofore enacted on that subject.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. President—The speaker of the house of representatives has signed a resolution, which originated in the house, authorising the secretary of state to correct the enrolled bill entitled,

An act in relation to the probate judge of Hinds county;

Which I am instructed to present to the senate for the signature of the president.

On motion of Mr. Miles,

The senate concurred in the amendments made by the house of representatives to a bill from the senate, to be entitled,

An act to authorise the board of police of Issaquena county to employ a clerk to transcribe the records of said county.

A bill to be entitled,

An act for the relief of William Rawles of Tunica county, William W. Lassiter of Coahoma, and Thomas Brewster of Tishemingo counties,

Was read the first time.

On motion of Mr. Miles,

The constitutional rule was suspended,

And said bill read the second time by title.

On motion of Mr. Miles,

The rule was further suspended,

And said bill read the third time, and passed.

Ordered, that the title thereof be as stated.

Mr. Boone, from the standing committee on claims, made the following report, to-wit:

Mr. President—The joint standing committee on claims, have considered all claims submitted to them, and have instructed me to make the following report:

First: we have prepared a bill making certain appropriations herewith presented, and recommend its passage. Your committee have rejected a great many claims, from the fact that many of them were county charges. Some should, if just, be paid by the auditor of public accounts, if properly certified. We consider that we should be endangering the treasuary to make appropriations on

such claims; for, by procuring proper certificates, they might get them allowed by the auditor, and be paid twice.

It will not be astonishing to the senate, that the committee have taken this view of the subject, when the senate is informed, that claims have been presented to the committee for allowance, that had been previously allowed and paid. The committee have sought to do justice to all claimants. Yet our duties required of us diligent scrutiny into the proper departments for the necessary information to see that the interest of the state, also, should suffer no detriment. The committee have felt obliged to reject many claims which had some semblance of justice, yet for want of proper testimony, were rejected. Several applications have been made to the committee for relief growing out of the sales of the town lots, but the committee thought it unsafe to make any allowance, but to recommend that these and all similar claims be referred to the chancellor for his recommendations in the premises.

R. H. BOONE, Chairman
On the part of the senate.

The bill reported, entitled,

An act making appropriations therein named;

Was read the first time.

On motion of Mr. Boone,

The constitutional rule was suspended,

And said bill read the second time by title.

On motion of Mr. Labauve,

The 73d article of said bill was struck out.

Mr. Guion offered the following amendment, to-wit:

Amend article —, by striking out the name of —— Jack, and inserting "John A. Wilcox";

Which was adopted.

Mr. Matthews offered the following amendment, to-wit:

To J. W. Leach, for guarding John McLendon, and conveying him to Holly Springs jail, in the county of Marshall, $23 75, in full for his services;

Which was adopted.

Mr. Nicholson offered the following amendment, to-wit:

To John Raborn, constable, for conveying a slave, charged with murder, from Holmesville, in Pike county, to Gallatin, in Copiah county, 48 miles, $17 76;

Which was adopted.

Mr. Miles offered the following amendment, to-wit:

Amend, by adding,

Art. —. To Thomas Higginbottom, the sum of two hundred dollars, in full of all demands due him by the state of Mississippi;

Which was lost.

Mr. Price offered the following amendment, to-wit:

Art. —. To E. M. Rogers, deputy sheriff of Tippah county, to twice carrying William D. Mixon, a state prisoner, from the jail of the county of Tippah to the county of Itawamba, one hundred and fifty-seven dollars;

Which was lost.

Mr. Labauve offered the following amendment, to-wit:

Art. —. To P. Poindexter, late sheriff of Coahoma county, one hundred and seventy-two dollars, for various ex officio services in the years 1842, 1843, &c.;

Which was lost.

Mr. Labauve moved the rejection of said bill;

Which was lost.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. Labauve.

Noes—Mr. President, Adams, Acker, Booth, Beene, Boone Dabney, Dupree, Durr, Guion, Horne, Hicks, Lipscomb, Lumpkin, Metcalf, Matthews, Miles, Nicholson, Pegues, Price, Ramsay, Stuart, Turner, Wall and Williams—25 votes.

And said bill, as amended, was ordered to be engrossed for a 3d reading on Monday.

Mr. Boone, chairman of the committee on claims, returned to the senate the claims disallowed by said committee.

On motion,

Ordered, that each senator have leave to withdraw the claims from the senatorial district represented by him.

Mr. Price, from a select committee, to whom was referred a bill to be entitled,

An act to amend the several acts incorporating the town of Salem, in the county of Tippah,

Reported a bill of the following title in lieu thereof, to-wit:

A bill to be entitled,

An act to amend the several acts incorporating the town of Salem, in the county of Tippah;

And the question was had upon the substitute thereof, which was decided in the affirmative;

And said substitute was read the third time, and passed.

Ordered, that the the title thereof be as stated.

Mr. Labauve asked and obtained leave to the introduction of a bill to be entitled,

An act to authorise John C. Pryor, John D. Kennedy, John W. Vance, Frederick Coghill and James H. Murray to sell the property known as the female academy in the town of Hernando, Desoto county;

Which was read the first time.

On motion of Mr. Labauve,

The constitutional rule was suspended,

And said bill was read the second time by title.

On the further motion of Mr. Labauve,

The rule was further suspended,

And said bill considered as engrossed, and read the third time, and passed.

Ordered, that the title thereof be as stated.

Mr. Dupree moved an adjournment until 10 o'clock on Monday morning next;

Which was lost.

Mr. Williams moved an adjournment until 9 o'clock Monday morning next;

Which was lost.

On motion of Mr. Guion,

The amendments made by the house of representatives to a bill from the senate, to be entitled,

An act to change the time of holding the circuit courts in the third judicial district in this state, and for other purposes,

Was concurred in.

A bill to be entitled,

An act to amend an act to provide for funding treasury warrants issued prior to the first day of January, 1841,

Was read the first time.

On motion of Mr. Labauve,

Said bill was rejected.

A bill to be entitled,

An act to define in what justices' districts suit may be brought,

Was read the first time.

On motion of Mr. Turner,

The constitutional rule was suspended,

And said bill was read the second time by title.

On motion of Mr. Price,

Said bill was indefinitely postponed.

Wr. Wall called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Dabney, Dupree, Durr, Guion, Johnson, Lipscomb, Labauve, Metcalf, Miles, Nicholson, Price, Ramsay, Stuart, Turner, Williams and Willburn—18 votes.

Noes—Messrs. Booth, Beene, Boone, Horne, Hicks, Matthews, Pegues and Wall—9 votes.

A bill supplementary to an act entitled an act to incorporate the Canton female academy of Madison county,

Was read the first time.

On motion of Mr. Miles,

The constitutional rule was suspended,

And said bill was read the second time by title.

On further motion,

The rule was further suspended,

And said bill read the third time forthwith, and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act to grant to Isham Daniel a charter for a ferry across Pearl river, in Leake county,

Was read the first time.

On motion,

The constitutional rule was suspended,

And said bill was read the second time by its title.

Mr. Matthews offered the following amendment, to-wit:

And be it further enacted, that Thomas Brown, of the county of Tunica, have the right of establishing a ferry in section 35, of township 5, range 11, in Tunica county, on White Oak bayou, for the same time, and with the right as prescribed by the first section of this act;

Which was adopted.

On motion of Mr. Labauve,

The amendment was considered as engrossed, and the bill and amendment read the third time, and passed.

Mr. Matthews offered the following amendment, to-wit:

Amend the title by adding, "and for other purposes";

Which was adopted.

Ordered, that the title thereof be as stated.

The following message was received from his excellency the governor through his private secretary, to-wit:

Mr. PRESIDENT—His excellency the governor has approved and signed bills of the following titles:

An act relating to a wharf and landing in the city of Vicksburg, and for other purposes;

An act to incorporate the town of Colbert, in the county of Lowndes;

An act to incorporate the Homochitto navigation improvement company.

A bill to be entitled,

An act to change the name of Thomas Henry Daniel to that of Smith Coffey Daniel,

Was read the first time.

On motion,

The constitutional rule was suspended,

And said bill was read the second time,

On further motion,

The rule was further suspended,

And said bill was read the third time, and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to change the name of William Jamison Bowen to that of William Jamison Wilson,

Was read the first time.

On motion,

The constitutional rule was suspended,

And said bill was read the second time by title.

On further motion,

The constitutional rule was further suspended,

And said bill was read the third time forthwith, and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act supplemental to an act entitled an act to restrict the sheriff of Itawamba county from doing constable's business, and for other purposes, approved February 23d, 1844,

Was read the first time.

On motion,

The constutional rule was suspended,

And said bill was read the second time by title.

On motion of Mr. Williams,

Said bill was indefinitely postponed.

A bill to be entitled,

An act to amend an act to repeal an act to incorporate the town of Panola, in the county of Panola, approved January 27th, 1840,

Was read the first time.

On motion of Mr. Lumpkin,

The constitutional rule was suspended,

And said bill was read the second time.

On further motion,

The rule was further suspended,

And said bill was read the third time, and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act to amend an act entitled an act declaring Noxubee river a navigable stream, and for other purposes,

Was read the first time.

A bill to be entitled,

An act to authorise the board of police of Covington county to have transcribed into suitable books the records of the probate court of said county,

Was read the first time.

On motion,

The constitutional rule was suspended,

And said bill was read the second time by title.

On further motion,

The rule was further suspended,

And said bill read the third time forthwith, and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act to declare Line creek a navigable stream,
Was read the first time.

On motion,
The constitutional rule was suspended,
And said bill was read the second time.

On further motion,
The constitutional rule was further suspended,
And said bill was read the third time forthwith, and passed.
Ordered, that the title thereof be as stated.

On motion of Mr. Stuart,
The senate adjourned until Monday next, 9 o'clock, A. M.

MONDAY, March 2, 1846.

The senate met pursuant to adjournment.

The journal of Saturday was read.

Mr. Guion presented the memorial of sundry holders of the bonds of the state of Mississippi issued to the Union bank of the state of Mississippi, in the year 1338.

Mr. Labauve presented the memorial of sundry holders of the bonds of the state of Mississippi, issued to the Union bank of the state of Mississippi, in the year 1838;

Which was read.

On motion of Mr. Adams,
Said memorials were laid on the table.

Mr. Labauve asked and obtained leave to the introduction of
A bill to be entitled,

An act to amend the laws now in force for the construction and repairing levees in the county of Washington;

Which was read the first time.

On motion of Mr. Labauve,
The constitutional rule was suspended,
And said bill read the second time by title.

On the further motion of Mr. Labauve,
The rule was further suspended,
And said bill considered as engrossed, and read the third time forthwith and passed.

Ordered, that the title thereof be as stated.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bills have this day examined

An act to authorize the courts to tax prosecutors with costs in certain cases;

An act to consolidate the offices of state commissioner and commissioner of the seminary fund, and for other purposes;

An act for the relief of William Rawls, of Tunica county, W. W. Lasseter, of Coahoma, and Thomas Brewster, of Tishemingo;

An act to amend an act to define the boundaries of the several counties in this state, passed 29th June, A. D. 1822;

An act to confirm the title of Joseph Stevens, of Rankin county, to a tract of land therein mentioned;

An act to establish at the city of Jackson a vaccine depot and agency for the state with a view to the prevention of small pox;

An act to regulate the fees of sheriffs in certain cases;

An act to authorize William H. Scott, of the parish of Rapides, state of Louisiana, to remove the property of his child Ellen C. Scott, a minor, from the county of Amite, in the state of Mississippi, to the state of Louisiana;

And have found the same correctly enrolled.

NATH'L. S. PRICE, Chairman.

The president signed the bills in said report mentioned.

Mr. Acker asked and obtained leave to the introduction of

A resolution granting leave of absence to the hon. F. M. Rogers;

Which was read the first time.

On motion of Mr. Acker,

The constitutional rule was suspended,

And said resolution was read the second time by title.

On the further motion of Mr. Acker,

The rule was further suspended,

And said resolution was considered as engrossed, and read the third time forthwith and adopted.

Ordered, that the title thereof be as stated.

The following message was received from the house of representatives, through their clerk, Mr. Montgomery, viz:

Mr. President—The house of representatives have passed a bill of the following title, viz:

A bill to be entitled,

An act to change the practice of the circuit court of Yazoo county in relation to juries;

In which they desire the concurrence of the senate.

Mr. Ramsay asked and obtained leave to the introduction of

A bill to be entitled,

An act to provide for the payment of sheriffs' claims therein named;

Which was read the first time.

On motion of Mr. Ramsay,

The constitutional rule was suspended,

And said bill read the second time by title.

On motion of Mr. Boone,

The senate went into committee of the whole forthwith on said bill; and after some time spent therein, the committee rose, and Mr. Williams reported said bill back with an amendment, and recommended its passage.

On motion of Mr. Williams,

the report was received and agreed to.

On motion of Mr. Turner,

The title was amended by adding, "and for other purposes."

On motion of Mr. Ramsay,

Said bill with the amendments were ordered to be engrossed and made the order of the day for half-past three o'clock P. M. of this day.

Mr. Price, from the committee on enrolled bills made the following report, to-wit:

Mr. PRESIDENT—The joint standing committee on enrolled bills have examined

An act to authorize Josiah and Francis Benton to remove certain property to the state of Louisiana;

And have found the same correctly enrolled.

N. S. PRICE, Chairman.

The president signed said bills.

Mr. Lipscomb, from the standing committee on the seminary fund, to whom was referred,

A bill to be entitled,

An act for the relief of John A. Cotton, and for other purposes,

Reported said bill back without amendment and recommend that it do not pass.

On motion of Mr. Lipscomb,

The report was received and agreed to, and said bill laid on the table.

Mr. Guion asked and obtained leave to the introduction of

A bill to be entitled,

An act extending the powers of tax-collectors;

Which was read the first time.

On motion of Mr. Guion,

The constitutional rule was suspended,

And said bill was read the second time by title.

Mr. Matthews offered the following amendment, viz:

"Before or after time, insert, or after the close of the fiscal year by giving the notice now required by law, and if no person will bid at such sale, he may sell such real estate at private sale to any person who will give the amount of the taxes on the same."

Mr. Guion offered the following amendment to the amendment, to-wit:

Strike out after the word "law;"

Which was adopted.

The question was then had on the amendment as amended;

Which was decided in the affirmative;

And said bill as amended was ordered to be engrossed for a third reading at three o'clock P. M. of this day.

Mr. Lipscomb, from the standing committee on the seminary fund, to whom was referred the memorial of W. W. Caldwell and others, reported that if the relief sought cannot be found in the courts of the country, the legislature should not interfere in the premises;

Which was received and agreed to.

Mr. Lipscomb asked and obtained leave to the introduction of

A bill to be entitled,

An act to change the name of Samuel Moore Manahan, and for other purposes;

Which was read the first time.

On motion of Mr. Lipscomb,

The constitutional rule was suspended,

Ane said bill was read the second time by title.

On the further motion of Mr. Lipscomb,

The constitutional rule was further suspended,

And said bill considered as engrossed and read the third time forthwith and passed.

Ordered, that the title thereof be as stated.

Mr. Matthews asked and obtained leave to the introduction of

A bill to be entitled,

An act supplemental to an act approved Jan. 19, 1846, entitled an act to reduce the price of the public printing;

Which was read the first time.

On motion of Mr. Matthews,

The constitutional rule was suspended,

And said bill was read the second time by title.

Mr. Guion offered the following amendment, to-wit:

Amend by adding at the end of section — the words "and the compensation to the reporters of the decisions of the high court of errors and appeals, shall be three dollars and fifty cents per page for one copy of said report;"

Which was adopted.

On motion of Mr. Labauve,

Said amendment was considered as engrossed, and rule further suspended, and the bill and amendments read the third time forthwith and passed.

Ordered, that the title thereof be as stated.

Mr. Adams called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Acker, Briscoe, Boone, Dupree, Durr, Fox, Guion, Hicks, Lumpkin, Labauve, Landsdale, Matthews, Pegues, Stewart, Tillman, Turner, Williams and Willburn—19 votes.

Noes—Messrs. Adams, Booth, Beene, Dabney, Horne, Johnson, Lipscomb, Metcalf, Miles and Nicholson—10 votes.

On motion of Mr. Miles,

The senate concurred in the amendments made by the house to

A bill to be entitled,

An act to regulate the practice and proceedings in the action of ejectment, and for other purposes.

A bill to be entitled,

An act to change the practice of the circuit court of Yazoo county in relation to jurors,

Was read the first time.

On motion of Mr. Miles,

The constitutional rule was suspended,

And said bill read the second time by title,

Mr. Miles offered the following amendment, to-wit:

Amend by adding after the word "returning," in the second section, the words "than thirty miles;"

Which was adopted.

On the further motion of Mr. Miles,

The bill, with said amendment, was considered as engrossed, and the rule further dispensed with, and said bill and amendment read the third time and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act for the relief of Bethany Hall and Abraham Hardy,

Was read the third time and passed.

Ordered, that the title thereof be as stated.

The following message was received from the house of representatives, through Mr. Montgomery, their clerk, to-wit:

MR. PRESIDENT—The speaker of the house of representatives has signed bills which originated in the house, of the following titles, viz:

An act to amend an act to define the boundaries of the several counties in this state, passed 29th June, A. D. 1822;

An act to authorize the courts to tax prosecutors with costs in certain cases;

An act for the relief of William Rawles, of Tunica county, W. W. Lasseter, of Coahoma, and Thomas Brewster, of Tishemingo;

An act to consolidate the offices of state commissioner and commissioner of the seminary fund, and for other purposes;

Which I am instructed to present to the senate for the signature of the president.

The house of representatives have passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act to regulate the practice and proceedings in the action of ejectment, and for other purposes;

And have made an amendment thereto in which they desire the concurrence of the senate.

The senate resolved itself into committee of the whole on

A bill to be entitled,

An act granting pre-emption rights to settlers on the 500,000 acres of state land, in certain cases;

And after some time spent therein, the committee rose, and Mr. Lipscomb, reported said bill back with sundry amendments.

On motion of Mr. Lipscomb,

The report was received and agreed to.

Mr. Matthews offered the following amendment, to-wit;

And any person who may have settled on any of said lands since their location, and who shall actually reside on the same at the time of the passage of this act, shall have the right of pre-emption at a minimum of six dollars per acre, one quarter-section of said land, including his or her improvement, which may be paid in gold, silver, anditor's warrants, bonds of the state issued on account of the planters' bank, or coupons for interest thereon: *Provided*, that such applicant shall be required to make the same proof of his or her right to pre-emption, and subject to the same penalty for perjury as provided in the second section of this act.

Sec. —. *And be it further enacted*, That all the amount of such sales shall be paid into the treasury as hereinbefore provided, and the state shall be charged for the amount to the internal improvement fund.

On motion of Mr. Labauve,

Said amendment was laid on the table.

Mr. Matthews called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Acker, Booth, Dabney, Dupree, Durr, Fox, Guion, Hicks, Johnson, Nicholson, Pegues, Price, Tillman and Metcalf—16 votes.

Noes—Messrs. Beene, Boone, Horne, Lipscomb, Lumpkin, Labauve, Landsdale, Matthews, Miles, Ramsay, Stewart, Turner Wall, Williams and Willburn—15 votes.

On motion of Mr. Adams,

The vote last taken was reconsidered.

On motion of Mr. Horne,

The vote on the adoption of said amendment was had, and said amendment was lost.

Mr. Matthews called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Beene, Boone, Horne, Lipscomb, Landsdale,

Metcalf, Matthews, Ramsay, Stewart, Turner, Wall, Williams and Willburn—13 votes.

Noes—Mr. President, Adams, Acker, Booth, Dabney, Dupree, Durr, Fox, Guion, Hicks, Johnson, Lumpkin, Labauve, Miles, Nicholson, Pegues, Price and Tillman—18 votes.

Mr. Adams moved the indefinite postponement of said bill; and pending the debate thereon,

Mr. Guion called for the previous question, which was sustained; and thereupon the question was had on the indefinite postponement of said bill, which was decided in the negative.

Mr. Guion called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Adams, Acker, Boone, Horne, Johnson, Lipscomb, Landsdale, Metcalf and Price—9 votes.

Noes—Mr. President, Booth, Beene, Dabney, Dupree, Durr, Fox, Guion, Hicks, Lumpkin, Labauve, Matthews, Miles, Nicholson, Pegues, Ramsay, Stewart, Tillman, Turner, Williams and Willburn—21 votes.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. PRESIDENT—The joint standing committee on enrolled bills have this day presented to his excellency the governor, for his approval and signature, bills of the following titles, to-wit:

An act to confirm the title of Joseph Stevens, of Rankin county, to a tract of land therein mentioned;

An act to authorize William H. Scott, of the parish of Rapides, state of Louisiana, to remove the property of his child, Ellen C. Scott, a minor, from the county of Amite, in the state of Mississippi, to the state of Louisiana;

An act to establish at the city of Jackson a vaccine depot and agency for the state, with a view to the prevention of small-pox;

An act to regulate the fees of sheriffs in certain cases;

An act to authorize Josiah and Francis Barton to remove certain property to the state of Louisiana.

NATH'L S. PRICE, Chairman.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

Mr. PRESIDENT—The house of representatives have passed a bill of the following title, to-wit:

A bill to be entitled,

An act to remove the county seat of Sunflower county;

In which they desire the concurrence of the senate.

They have concurred in the amendments made by the senate to the house bill entitled,

An act to grant to Isham Daniel a charter for a ferry across Pearl river.

They have passed a bill from the senate of the following title, to-wit:

A bill to be entitled,

An act to amend the several acts incorporating the town of Salem, in the county of Tippah,

As a substitute for the house bill of the same title.

MR. PRESIDENT—The house of representatives have passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act to regulate the practice of the circuit courts of this state in certain cases,

And have concurred in the amendments to the same.

MR. PRESIDENT—The house of representatives have passed a bill of the following title, viz:

A bill to be entitled,

An act to change the labor of convicts in the state penitentiary, and for other purposes;

In which they desire the concurrence of the senate.

MR. PRESIDENT—The house of representatives have passed bills from the senate of the following titles, viz:

A bill to be entitled,

An act to incorporate the Mississippi and Arkansas turnpike company;

A bill to be entitled,

An act to authorize John C. Pryor, John D. Fennel, John W. Vance, Frederick Coghill and James H. Murray, to sell the property known as the female academy in the town of Hernando, Desoto county;

A bill to be entitled,

An act to amend the laws now in force for the construction and repairing levees in the county of Washington;

A bill to be entitled,

An act to amend the constitution of the state of Mississippi;

Also, a resolution granting leave of absence to the hon. F. M. Rogers.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

MR. PRESIDENT—The house of representatives have concurred in the resolution from the senate appointing a committee of conference of three on the part of the senate, and — on the part of the House, on the amendment made by the house to the senate bill to be entitled an act to amend the several laws of the state in relation to courts of probate, and have appointed on the part of the house, Messrs. Harris, Simral, Totten, Cushman and Smith, of Washington.

They have passed a bill of the following title, to-wit:

A bill to be entitled,

An act making compensation for the repairs on the public buildings;

In which they desire the concurrence of the senate.

The following message was received from his excellency, the governor, through his private secretary, to-wit:

MR. PRESIDENT—His excellency, the governor, has approved and signed bills of the following titles:

An act to authorize William H. Scott, of the parish of Rapides, state of Louisiana, to remove the property of his child, Ellen C. Scott, a minor, from the county of Amite, in the state of Mississippi, to the state of Louisiana;

An act to authorize Josiah and Francis Benton to remove certain property to the state of Louisiana;

An act to confirm the title of Joseph Stephens, of Rankin county to a tract of land therein mentioned;

An act to regulate the fees of sheriffs in certain cases;

An act to establish at the city of Jackson a vaccine depot and agency for the state, with a view to the prevention of small-pox.

Approved 2d March, 1846.

On motion of Mr. Turner,

The senate took a recess until half past three, P. M.

HVLF-PAST 3 O'CLOCK, P. M.

The recess having expired,

The senate met.

Mr. Williams, from a select committee, reported

A bill to be entitled,

An act to establish a new county in this state to be called the county of Dallas;

Which was read the first time.

On motion of Mr. Willburn,

Said bill was rejected.

Mr. Williams called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Briscoe, Booth, Beene, Boone, Dupree, Durr, Fox, Horne, Hicks, Lipscomb, Matthews, Price, Ramsay, Tillman, Turner and Willburn—16 votes.

Noes—Mr. President, Adams, Dabney, Guion, Johnson, Labauve, Landsdale, Metcalf, Miles, Nicholson, Pegues, Stewart and Williams—13 votes.

Mr. Lumpkin asked and obtained leave to the introduction of Resolutions in relation to the location of Indian reservations in the Chickasaw cession;

Which was read the first time.

On motion of Mr. Lumpkin,

The constitutional rule was suspended,

And said resolutions were read the second time by title.

Mr. Dabney offered the following amendment, to-wit:

Amend by striking out all that part of the resolutions that relate to the hon. Jacob Thompson.

Mr. Matthews offered the following amendment, viz:

After the hon. Jacob Thompson insert the name of the hon. Wm. M. Gwinn.

Pending said amendments,

Mr. Wall moved to lay said resolutions with the amendments on the table; and the question being had thereon, it was decided in the affirmative.

Mr. Lumpkin called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Booth, Dabney, Dupree, Durr, Hicks, Johnson, Lipscomb, Landsdale, Metcalf, Miles, Ramsay, Stewart, Tillman, Turner, Wall and Willburn—18 votes.

Noes—Messrs. Briscoe, Beene, Boone, Fox, Horne, Lumpkin, Labauve, Matthews, Pegues, Price and Williams—11 votes.

The following message was received from the house of representatives, through their clerk, Mr. Montgomeuy, to-wit:

Mr. PRESIDENT—The house of representatives have passed a bill from the senate of the following title:

A bill to be entitled,

An act to establish a system of common schools, and for other purposes;

And have made sundry amendments thereto;

In which they desire the concurrence of the senate.

The house of representatives have passed bills of the following titles, viz:

An act entitled an act to amend an act to reduce the fees of certain officers therein named, approved 10th February, 1844;

A bill to be entitled,

An act for the relief of the heirs of Washington Dorsey, deceased;

In which they desire the concurrence of the senate.

On motion of Mr. Wall,

The senate proceeded to the consideration of said message.

The amendments made by the house of representatives to a bill to be entitled,

An act to establish a system of common schools, and for other purposes,

Was read.

Mr. Miles offered the following amendment to the amendment, to-wit:

Amend the amendment by adding,

Sec. —. *Be it further enacted*, that the town of Canton be and the same is hereby exempted out of the general provisions of this act, and that said town be authorised to appropriate the money arising from liquor license, as it may deem fit.

Mr. Guion raised the point of order upon said amendment:

The chair decided said amendment to be out of order.

Mr. Lansdale offered the following amendment, to-wit:

Provided, that if the township within which the town of Lexington, in Holmes county, is situated, does not adopt the provisions of this act, and authorise a levy of the tax contemplated therein, the moneys arising from license to retail vinous and spirituous liquors in said town, be and the same are hereby appropriated to the Lexington male and female academy.

The point of order was made upon said amendment:

The chair decided said amendment to be in order;

And the question was had on said amendment;

Which was lost.

On motion of Mr. Turner,

The senate concurred in the amendments made by the house to said bill.

The senate resumed the consideration of a bill to be entitled;

An act granting pre-emption rights to settlers on the 500,000 acres of state land in certain cases.

Mr. Matthews offered the following amendment, to-wit:

Sec. —. *And be it further enacted*, that any person who may have settled on any of said lands since its location, and who may actually reside on the same at the time of the passage of this act, shall have the right of purchasing, as hereinbefore provided, one quarter section of said land, including his or her improvements, at a minimum price of —— dollars per acre, which may be paid in gold, silver, auditor's warrants, bonds issued on account of the Planters' bank, or coupons for interest thereon, under the same rules and regulations provided by the 2d section of this act.

Sec. —. *And be it further*, that all the proceeds of such sales shall be paid into the state treasury, as hereinbefore provided; and the state shall be charged with the amount to the credit of the internal improvement fund.

Mr. Labauve offered the following amendment, to-wit:

Fill the blank with one dollar and twenty-five cents;

Which was lost.

Mr. Labauve offered the following amendment to the amendment, to-wit: Amend by striking out from and after the word "warrants" to the word "provided"; which was lost.

Mr. Labauve offered the following amendment, to-wit:

Sec. 2. Strike out from the word "and" to the word "fund"— and insert in lieu thereof:

That the treasurer shall apply the moneys thus received, first to the payment of the amount incurred by the state for the location of said land, and the balance to be kept by said treasurer for purposes of internal improvement only;

Which was lost.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Acker, Dabney, Dupree, Fox, Hicks, Johnson, Labauve, Lansdale, Price and Tillman—10 votes.

Noes—Mr. President, Adams, Briscoe, Booth, Beene, Boone, Durr, Guion, Horne, Lipscomb, Lumpkin, Metcalf, Matthews;

Miles, Nicholson, Pegues, Ramsay, Stewart, Turner, Wall, Williams and Willburn—22 votes.

Mr. Price offered the following amendment, to-wit:

Sec. —. *Be it further enacted*, that hereafter the tax-collectors of this state, shall take one-half of the state tax due by each tax-payer in this state, in the payment thereof, the bonds and coupons of the Planters' bank now due;

Which was lost.

Mr. Price called for the ayes and noes thereon, which are as folows, to-wit:

Ayes—Messrs. Guion, Metcalf and Price—3 votes.

Noes—Mr. President, Adams, Acker, Booth, Beene, Boone, Dabney, Dupree, Durr, Fox, Horne, Hicks, Johnson, Lipscomb, Labauve, Lumpkin, Lansdale, Matthews, Miles, Nicholson, Pegues, Ramsay, Stuart, Tillman, Turner, Wall, Williams and Willburn—28 votes.

Mr. Turner moved that the senate take a recess until half-past seven o'clock this evening;

Which was lost.

Mr. Guion moved to fill the blank in said amendment with 'eight dollars';

Which was adopted.

The question then recurred upon the adoption of the amendment offered by Mr. Matthews;

Which was lost.

Mr. Guion called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Beene, Boone, Durr, Horne, Lipscomb, Lumpkin, Metcalf, Matthews, Pegues, Ramsay, Stuart, Turner, Wall, Williams and Willburn—15 votes.

Noes—Mr. President, Adams, Acker, Booth, Dabney, Dupree, Fox, Guion, Hicks, Johnson, Labauve, Lansdale, Miles, Nicholson, Price and Tillman—16 votes.

Mr. Miles offered the following amendment, to-wit:

Amend by adding—

Sec. —. *Be it further enacted*, that all money received for the sale of said lands to pre-emptors, shall be kept in the treasury as a trust fund; and it shall not be lawful for the treasurer of this state to use any of said money for any other purposes than those specified

in the act of congress making the donation of the said 500,000 acres of land to this state;

Which was adopted.

The question was thereupon had on the engrossment of the amendments for a third reading on to-morrow;

Which was lost,

And said bill was put on its final passage, and lost.

Mr. Guion called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Booth, Dabney, Dupree, Fox, Guion, Lumpkin, Labauve, Nicholson, Turner and Willburn—10 votes.

Noes—Mr. President, Adams, Acker, Beene, Boone, Durr, Horne, Hicks, Johnson, Lipscomb, Lansdale, Metcalf, Matthews, Miles, Pegues, Price, Ramsay, Stuart, Tillman, Wall and Williams—21 votes.

On motion of Mr. Williams,

The senate adjourned until 9 o'clock to-morrow morning.

TUESDAY, March 3, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Labauve asked and obtained leave to the introduction of a bill to be entitled,

An act to define more correctly the boundary line between the counties of Tunica and Coahoma;

Which was read the first time.

On motion of Mr. Labauve,

The constitutional rule was suspended,

And said bill read the second time by title.

On the further motion of Mr. Labauve,

The rule was further suspended,

And said bill considered as engrossed, and read the third time, and passed.

Ordered, that the title thereof be as stated.

Mr. Guion, from a committee of conference, made the following report, to-wit:

Mr. President—The committee of conference in relation to the

subject of disagreement between the senate and house of representatives, touching amendments made to the bill to be entitled,

An act to amend the several laws of the state in relation to courts of probate,"

Have had the subject of disagreement under consideration, and have instructed me to report as follows, to-wit:

The committee recommend that the senate recede from their amendments to the second section of the amendment by the house of representatives; and that the house recede from all of said amendment after the word 'law,' in the 17th line of said section, and add to said section the following proviso, to-wit:

Provided, that this section shall not apply to claims of a less amount than twenty dollars.

All which is respectfully submitted.

JNO. I. GUION, Chairman.

On motion of Mr. Guion,

The report was received and agreed to.

Mr. Lumpkin, on his motion, had leave to withdraw the resolutions, introduced on yesterday, in relation to the location of Indian reservations in the Chickasaw session.

Mr. Lumpkin asked and obtained leave to the introduction of resolutions in relation to the location of Indian reservations in the Chickasaw session;

Which was read the first time.

On motion of Mr. Lumpkin,

The constitutional rule was suspended,

And said resolutions were read the second time.

On the further motion of Mr. Lumpkin,

The rule was further suspended,

And said resolutions were considered as engrossed, and read the third time, and passed.

Ordered, That the title thereof be as stated.

Mr. Price moved to reconsider the vote taken yesterday respecting a bill to be entitled,

An act to establish a new county in this state, to be called the county of Dallas;

Which was lost.

Mr. Pegues presented the petition of sundry citizens of Lafayette county, in relation to the establishment of the above named county.

On motion of Mr. Willburn,

Said petition was laid on the table.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. PRESIDENT—The house of representatives have passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act for the relief William S. Langley;

And have made an amendment thereto.

They have passed a bill of the following title, to-wit:

A bill to be entitled,

An act to provide for the erection of permanent school houses in the city of Jackson, and for other purposes;

In all of which they desire the concurrence of the senate.

They have passed a bill from the senate of the following title, to-wit:

A bill to be entitled;

An act to provide for the appointment of guardians in certain cases.

The senate proceeded to the consideration of said message.

On motion of Mr. Matthews,

The senate concurred in the amendments made by the house to a bill from the senate to be entitled,

An act for the relief of William S. Langley.

A bill to be entitled,

An act to remove the county seat of Sunflower county,

Was read the first time,

On motion of Mr. Labauve,

The constitutional rule was suspended,

And said bill was read the second time by title.

On the further motion of Mr. Labauve,

The rule was further suspended,

And said bill read the third time, and passed.

Ordered, that the title thereof be as stated.

Mr. Price, from the committee on enrolled bills made the following report, to-wit:

Mr. PRESIDENT—The joint standing committee on enrolled bills have examined,

An act to authorise the removal of suits or judgments at law by scire facias, and in equity by bill of revivor in certain cases;

An act supplementary to an act entitled an act to incorporate the Canton female academy, of Madison county, approved 5th February, 1836;

An act to grant to Isham Daniel a charter for a ferry across Pearl river, in Leake county, and for other purposes;

An act to declare Line creek a navigable stream;

An act to change the name of Thomas Henry Daniel to that of Smith Coffey Daniel;

An act to amend an act entitled an act to repeal an act to incorporate the town of Panola, in the county of Panola, approved January 27, 1840;

An act to change the name of William Jamison Bowen to that of William Jamison Wilson;

An act to authorise the board of police of Covington county to have transcribed into suitable books the records of the probate court of said county;

An act for the relief of Bethany Hall and Abram Hardy;

An act relative to certain officers of Pike county;

An act to amend the constitution of the state of Mississippi;

An act to incorporate the Mississippi and Arkansas turnpike company;

An act to amend the several acts incorporating the town of Salem, in the county of Tippah;

An act to change the time of holding the circuit courts of the third judicial district in this state, and for other purposes;

An act to authorise the board of police of Issaquena county to employ a clerk to transcribe the records for said county;

An act to regulate the practice of the circuit courts of the state in certain cases;

An act to authorise John C. Pryor, John D. Fennel, John W. Vance, Frederick Coghill and James H. Murry to sell the property known as the female academy in the town of Hernando in Desoto county;

A resolution granting leave of absence to the honorable F. M. Rogers;

An act to incorporate and establish the town of Yazoo city, and for revising and repealing all laws and parts of laws heretofore enacted on that subject;

An act to incorporate the town of Waterford, in Marshall county;

And have found the same correctly enrolled.

The president signed the bills in said report mentioned.

Mr. PRESIDENT—The joint standing committee on enrolled bills report—

That they have this day presented to his excellency the governor, to-wit:

An act to authorise the courts to tax prosecutors with costs in certain cases;

An act to amend an act to define the boundaries of the several counties in this state, passed the 29th June, A. D. 1822;

An act for the relief of William Rawles, of Tunica county, W. W. Lassiter, of Coahoma, and Thomas Brewster, of Tishemingo;

An act to consolidate the offices of state commissioner and commissioner of the seminary fund, and for other purposes.

N. S. PRICE, Chairman.

Mr. Matthews from the committee on finance, reported a bill to be entitled,

An act to furnish a unform standard of weights and measures in the several counties in the state of Mississippi;

Which was read the first time.

On motion of Mr. Boone,

The constitutional rule was suspended,

And said bill was read the second time by title.

On further motion,

The rule was further suspended,

And said bill was considered as engrossed, and read the third time forthwith.

Mr. Turner offered the following amendment by way of ryder, to-wit:

Add to the first section, "according to the provisions of the act of congress establishing a uniform stnadard of weights and measures for the United States";

Which was adopted;

And said bill, as amended, was considered as engrossed, and put on its final passage, and carried.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act to amend an act to reduce the fees of certain officers therein named, approved 10th February, 1844;

Was read the first time.

On motion of Mr. Guion,

The constitutional rule was suspended,

And said bill was read the second time by title.

On further motion,

The rule was further suspended,

And said bill read the third time forthwith, and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act making compensation for repairs on the public buildings,

Was read the first time.

On motion of Mr. Adams,

The constitutional rule was suspended,

And said bill was read the second time by title.

On further motion,

The rule was further suspended,

And said bill read the third time forthwith.

Mr. Matthews offered the following amendment, by way of ryder, to wit:

Be it enacted, that the sum of five thousand dollars be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to the grading and enclosiag of the capitol square in Jackson, to be paid on the warrants of the auditor of public accounts, under the requisition of the governor, and said work to be under the direction of the governor and state architect;

Which was adopted;

And said bill, as ameneded, was put on its final passage, and carried.

On motion of Mr. Dupree,

The title of the said bill was amended, by adding to the title, "and for other purposes."

Ordered, that the title thereof be as stated.

Mr. Miles called from the table a bill for the relief of John B. Moore;

Which was read the second time.

On motion of Mr. Miles,

Said bill was considered as engrossed, and rule suspended, and

Said bill read the third time forthwith, and lost.

Mr. Dupree called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Booth, Darr, Lansdale, Matthews, Miles and Ramsay—6 votes.

Noes—Mr. President, Acker, Briscoe, Boone, Dabney, Dupree, Fox, Guion, Horne, Hicks, Lipscomb, Lumpkin, Labauve, Metcalf, Nicholson, Pegues, Price, Stuart, Tillman, Turner, Williams and Willburn—22 votes.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, viz:

Mr. PRESIDENT—The house of representatives have passed a bill of the following title, to-wit:

A bill to be entitled,

An act to prescribe the duties of jailors in relation to runaway slaves, and to fix the penalty for violating the same;

Also, a resolution authorising the auditor to make warrants payable to bearer;

In all of which they desire the concurrence of the senate.

A bill to be entitled,

An act to provide for the erection of permanent school houses in the city of Jackson, and for other purposes,

Was read the first time.

On motion of Mr. Labauve,

The constitutional rule was suspended,

And said bill read the second time by title.

On the further motion of Mr. Labauve,

The rule was further suspended,

And said bill read the third time, and passed.

Ordered, that the title thereof be as stated.

Mr. Nicholson was called to the chair.

A bill to be entitled,

An act to change the labor of convicts in the state penitentiary, and for other purposes,

Was read the first time.

On motion of Mr. Stuart,

The constiutional rule was suspended,

And said bill was read the second time by title.

Mr. Swann offered the following amendment, to-wit:

Strike out in the 3d section the following:

From the word "appropriated" to the word "accounts," inclusive of the latter word, and insert,

"Out of any profits made in said penitentiary by the labors of the convicts, or funds derived from the sale of articles manufactured therein";

Which was lost.

Mr. Adams called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Boone, Durr, Horne, Hicks, Labauve, Ramsay, Williams and Willburn—9 votes.

Noes—Messrs. Adams, Acker, Booth, Dabney, Dupree, Fox, Guion, Lipscomb, Lumpkin, Lansdale, Metcalf, Matthews, Miles, Nicholson, Pegues, Price, Stuart, Tillman and Turner—19 votes.

The rule was further suspended,

And said bill read the third time forthwith, and passed.

Ordered, that the title thereof be as stated.

Mr. Ramsay called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Adams, Acker, Booth, Dabney, Dupree, Fox, Guion, Horne, Lipscomb, Lumpkin, Lansdale, Metcalf, Matthews, Miles, Nicholson, Price, Stuart, Tillman and Turner—19 votes.

Noes—Mr. President, Boone, Durr, Hicks, Labauve, Ramsay, Williams and Willburn—8 votes.

The president resumed his chair.

The following message was received from the house of representatives through Mr. Montgomery, to-wit:

Mr. President—The house of representatives have adopted the report of the committee of conference in relation to the subject of disagreement between the senate and house of representatives touching amendments made to the senate bill entitled,

An act to amend the several laws of this state in relation to courts of probate.

The committee recommend that the senate recede from their amendment to the second section of the amendment by the house of representatives; and that the house recede from all of said amendment after the word 'law,' in the 17tn line of — section; and add to said section the following proviso, to-wit:

Provided, that this section shall not apply to claims of a less amount than twenty dollars.

Mr. Lipscomb offered the following resolution, to-wit:

Resolved, that at this late period of the session, it is our deliber-

ate opinion that making speeches do no good, but may be productive of much evil: "*verbum sat.*";

Which was read and adopted.

A bill to be entitled,

An act to prescribe the duties of jailors in relation to runaway slaves, and to fix the penalty for violating the same,

Was read the first time.

On motion of Mr. Durr,

The constitutional rule was suspended,

And said bill read the second time by title.

On the further motion of Mr. Durr,

The rule was further suspended,

And said bill read the third time, and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act for the relief of the heirs of Washington Dorsey, deceased,

Was read the first time.

On motion of Mr. Miles,

The constitutional rule was suspended,

And said bill was read the second time by title.

On motion of Mr. Miles,

The rule was further suspended,

And said bill read the third time forthwith, and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act to authorise the mayor and aldermen of the city of Jackson to erect a bridge across Pearl river, and for other purposes,

Was read the third time.

Mr. Dupree offered the following amendment, by way of ryder, to-wit:

Sec. —. *Be it further enacted*, that nothing in the several acts incorporating the Jackson and Brandon railroad and bridge company shall be so construed as to compel said company to erect and keep any other bridge than such as may be necessary for the railroad across Pearl river; but said company may, in their discretion, contract for a transfer or relinquishment of the privileges of erecting and keeping such bridge, to the corporation of the city of Jackson, with or without valuable consideration. But if such transfer be not made, the rate of tolls on said bridge shall never exceed the

rate provided by this act;

Which was adopted.

And said bill, as amended, was put on its passage, and carried.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act to authorise tax-collectors to receive certain certificates in payment of taxes,

Was read the second time.

On motion of Mr. Guion,

Said bill was laid on the table.

A bill to be entitled,

An act to authorise the auditor of public accounts to remit the damages of 30 per cent., now required to be charged against defaulting tax-collectors in certain cases, and to repeal so much of the 34th section of an act entitled an act to reduce into one the several acts in relation to the revenue of this state, approved 24th February, 1844, as authorises the sheriffs to collect double taxes,

Was read the third time, and passed.

Ordered, that the title thereof be as stated.

Mr. Williams called for the ayes and noes thereon, which are as follews, to-wit:

Ayes—Messrs. Adams, Boone, Dabney, Dupree, Durr, Fox, Guion, Horne, Hicks, Lipscomb, Lumpkin, Lansdale, Matthews, Pegues, Ramsay, Tillman, Williams and Willburn—18 votes.

Noes—Mr. President, Acker, Booth, Labauve, Metcalf, Miles, Nicholson, Price, Stuart and Turner—10 votes.

A bill to be entitled,

An act amendatory and explanatory of an act to designate in what manner and in what courts suits may be brought against the state of Mississippi, approved February 15th, 1833,

Was read the second time.

On motion of Mr. Miles,

The constitutional rule was suspended,

And said bill was considered as engrossed, and read the third time, and passed.

Ordered, that the title thereof be as stated.

On motion of Mr. Guion,

A bill to be entitled,

An act for the relief of William Nichols,

Was called from its place on the orders of the day,

And read the third time, and passed.

Ordered, that the title thereof be as stated.

Mr. Boone, called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Booth, Dupree, Durr, Fox, Guion, Lumpkin, Lansdale, Metcalf, Miles, Pegues, Ramsay, Stuart, Tillman and Turner—16 votes.

Noes—Messrs. Acker, Boone, Dabney, Horne, Hicks, Lipscomb, Labauve, Matthews, Nicholson, Price, Williams and Willburn—12 votes.

On motion of Mr. Guion,

Bills of the following titles were committed to the whole house, and made the order of the day for half-past three o'clock, P. M., of to-day, to-wit:

A bill to be entitled,

An act to establish volunteer companies for the more efficient military organization of this state;

A bill to be entitled,

An act to authorise the counties of Harrison and Issaquena, and for other purposes;

A bill to be entitled,

An act to establish volunteer companies in this state.

A resolution authorising the auditor to make warrants payable to bearer, &c.,

Was read the first time.

On motion of Mr. Guion,

Said bill was rejected.

On motion of Mr. Guion,

The s nate took a recess until three o'clock, P. M.

THREE O'CLOCK, P. M.

The recess having expired,

The senate met.

On motion of Mr. Guion,

A bill to be entitled,

An act prohibiting the license of certain ferries upon the Chickasawha river, in Green county, and for other purposes,

Was called from the table.

On the further motion of Mr. Guion,

The honorable Mr. McInnis, a representative in the lower branch of this legislature, was permitted to appear at the bar of the senate, in advocacy of said bill; and,

Ordered, that the door-keeper of the senate inform the honorable gentleman of such privilege.

Mr. McInnis appeared at the bar of the senate forthwith.

And said bill was read the second time.

Mr. Lansdale moved to dispense with the constitutional rule, and read said bill the third time by title.

Pending said motion,

Mr. Ramsay offered the following amendment, to-wit:

Sec. —. *Provided* said ferry shall not interfere with any other ferry established by law now across said river;

Which was adopted.

On motion of Mr. Miles,

Said amendment was considered as engrossed, and the rule suspended, and,

Said bill and amendment read the third time forthwith, and passed.

Ordered, that the title thereof be as stated.

Mr. Adams asked and obtained leave to the introduction of a resolution in relation to the secretary of the senate and his two assistants, and the clerk of the house of representatives and his two assistants;

Which was read the first time.

On motion of Mr. Adams,

The rule was suspended,

And said resolution was read the second time by title.

On further motion,

The rule was further suspended,

And said resolution considered as engrossed, and read the third time forthwith, and adopted.

Ordered, that the title thereof be as stated.

The senate resolved itself into committee of the whole on bills of the following titles, to-wit:

A bill to be entitled,

An act to establish volunteer companies in this state;

A bill to be entitled,

An act to organise the counties of Harrison and Issaquena, and for other purposes;

A bill to be entitled,

An act to establish volunteer companies for the more efficient military organization of this state;

And after sometime spent therein, the committee rose,

And Mr. Metcalf reported said bills back with sundry amendments.

On motion of Mr. Metcalf,

The report was received.

On motion of Mr. Adams,

Said bills were laid on the table.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. PRESIDENT—The joint standing committee on enrolled bills, have this day presented to his excellency the governor, for his signature and approval, bills of the following titles, to-wit:

An act to incorporate the Mississippi and Arkansas turnpike company;

An act to amend the several acts incorporating the town of Salem, in the county of Tippah;

An act to incorporate the town of Waterford, in Marshall county;

An act to regulate the practice of the circuit courts of this state in certain cases;

An act to incorporate and establish the town of Yazoo city, and for revising and repealing all laws and parts of laws heretofore enacted on that subject;

An act to authorise the revival of writs and judgments at law by scire facias, and in equity by bill of revivor, in certain cases;

An act to amend the constitution of the state of Mississippi;

An act to authorise the board of police of Issaquena county to employ a clerk to transcribe the records for said county;

An act to change the time of holding the circuit courts of the third judicial districts in this state, and for other purposes;

An act relative to certain officers of Pike county;

An act to authorise John C. Pryor, John D. Fennel, John W. Vance, Frederick Coghill and James H. Murray to sell the property known as the female academy, in Hernando, Desoto county;

A resolution granting leave of absence to the honorable F. M. Rogers.

NATH'L S. PRICE, Chairman.

The following message was received from the house of representatives, through Mr. Montgomery, their clerk, to-wit:

Mr. PRESIDENT—The speaker of the house of representatives has signed bills which originated in the house of the following titles, viz:

An act to declare Line creek a navigable stream;

An act to change the name of Thomas Henry Daniel to that of Smith Coffey Daniel;

An act to change the name of William Jamison Bowen to that of William Jamison Wilson;

An act to authorise the board of police of Covington county to have transcribed into suitable books the records of the probate court of said county;

An act for the relief of Bethany Hall and Abraham Hardy;

An act supplemental to an act entitled an act to incorporate the Canton female academy of Madison county, approved 8th February, 1836;

An act to amend an act entitled an act to repeal an act to incorporate the town of Panola, in the county of Panola, approved January 27th, 1840;

Which I am instructed to present to the senate for the signature of the president.

Mr. PRESIDENT—The speaker of the house of representatives has signed a bill which originated in the house of the following title, viz:

A bill to be entitled,

An act to grant to Isham Daniel a charter for a ferry across Pearl river, in leake county, and for other purposes;

Which I am instructed to present to the senate for the signature of the president.

The president signed the bills in said message mentioned.

A bill to be entitled,

An act to amend an an act entitled an act declaring Noxubee river a navigable stream, and for other purposes,

Was read the second time.

Mr. Dabney offered the following amendment to-wit:

Amend by adding at the end of section 3d:

And it shall also be made the duty of the court to order that said mill-dam be abated as a common nuisance;

Which was adopted.

On motion of Mr. Dabney,

Said amendment was considered as engrossed, and the constitutional rule suspended,

And said bill and amendment read the third time forthwith, and passed.

Ordered, that the the title thereof be as stated.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. PRESIDENT—The house of representative have concurred in the amendment, by way of ryder, made by the senate to the house bill entitled;

An act making compensation for the repairs on public buildings, and for other purposes.

They have passed a resolution from the senate relative to the location of Indian reservations in the Chickasaw cession.

They have passed a bill from the senate of the following title, to-wit:

A bill to be entitled;

An act to divide the state of Mississippi into four congressional districts, with an amendment made by the senate;

And have made sundry amendments to the same;

In which they desire the concurrence of the senate.

A bill to be entitled,

An act to provide for a geological survey of this state,

Was read the third time, and passed.

Ordered, that the title thereof be as stated.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

Mr. PRESIDENT—The house of representatives have concurred in the amendment made by the senate to the house bill entitled,

An act to change the practice of the circuit court of Yazoo county in relation to juries.

They have passed bills from the senate of the following titles, to-wit:

A bill to be entitled,

An act to furnish a uniform standard of weights and measures in the several counties in the state of Mississippi;

A bill to be entitled,

An act to change the name of Samuel Moore Manahan, and for other purposes;

A bill to be entitled,

An act to amend the laws of the state in relation to the enrollment and liens of judgments at law and decrees in chancery,

Offered in the senate as a substitute for a house bill to be entitled,

An act to amend an act to regulate the liens of judgments and decrees, approved the 16th February, 1841, and for other purposes, approved the 14th February, 1841,

Was read the third time, and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act making certain appropriations therein named,

Was read the third time.

Ordered, that the title thereof be as stated.

A bill to be entitled,

A act making certain appropriations therein named,

Was read the third time.

On motion of Mr. Miles,

The further consideration of said bill, for the present, was postponed.

On motion of Mr. Miles,

The house amendment to a bill entitled,

An act to regulate the practice and proceedings in the action of ejectment, and for other purposes,

Which had been accidentally lost or mislaid by the enrolling clerk, was supplied by a substitute therefor, agreed upon between himself and Messrs. Simrall and Harris, of the house of representatives.

The senate resumed the consideration of the bill making certain appropriations therein named.

Mr. Matthews offered the following amendment, by way of ryder, to wit:

To Michael Jonbat, for work and labor done at the penitentiary during the years 1841 and 1842, the sum of one hundred dollars,

To James Biffle, for his services as assistant door-keeper of the senate, during the present session, fourteen dollars;

Which was adopted.

And said bill, with the ryder, put on their final passage, and carried.

Ordered, that the title thereof be as stated.

Mr. Dupree moved to concur with the amendments made by the house of representatives to a bill from the senate to be entitled,

An act to divide the state of Mississippi into four congressional districts;

And pending the debate on the concurrence with said amendments,

Mr. Lansdale called for the previous question upon concurring;

Which was sustained;

And thereupon the question was had upon concurring;

Which was decided in the affirmative.

Mr. Adams called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Acker, Booth, Boone, Dupree, Fox, Guion, Lipscomb, Lumpkin, Lansdale, Metcalf, Miles, Nicholson, Pegues, Price, Ramsay, Stuart, Turner, Williams and Willburn—19 votes.

Noes—Mr. President, Adams, Briscoe, Dabney, Durr, Horne, Hicks, Johnson, Labauve, Matthews and Tillman—11 votes.

The following message was received from his excellency the governor, through his private secretary, to-wit:

Mr. President—His excellency has this day approved and signed bills, which originated in the senate, of the following titles:

An act to amend the several acts incorporating the town of Salem, in the county of Tippah;

An act to authorise the board of police of Issaquena county to employ a clerk to transcribe the records for said county;

An act to authorise the revival of suits and judgments at law by scire facias, and in equity by bill of revivor in certain cases;

An act to incorporate the Mississippi and Arkansas turnpike company;

An act to authorise John C. Pryor, John D. Fennel, John W. Vance, Frederick Coghill and James H. Murray to sell the property known as the female academy, in the town of Hernando, Desoto county;

An act relative to certain officers of Pike county;

An act to regulate the practice of the circuit courts of this state in certain cases;

An act to amend the constitution of the state of Mississippi;

An act to change the time of holding the circuit court of the third judicial district in this state, and for other purposes;

An act to incorporate the town of Waterford, in Marshall county;

An act to incorporate and establish the town of Yazoo city, and for revising and repealing all laws and parts of laws heretofore enacted on that subject;

A resolution granting leave of absence to the honorable F. M. Rogers:

Approved 3d March, 1846.

To the Senate:

I nominate James R. Young to be state commissioner, under the provisions of an act approved March 2d, 1846.

A. G. BROWN.

Executive chamber,
3d March, 1846.

On motion of Mr. Guion,

The senate went into executive session forthwith on the last named message, with open doors.

On motion of Mr. Guion,

The senate advise and consent to said nomination of James R. Young to be state commissioner under the provisions of an act approved March 2d, 1846.

A resolution relative to the secretary of state,

Was read the first time.

On motion,

The constitutional rule was suspended,

And said resolution was read the second time by title.

On further motion,

The rule was further suspended,

And said resolution was read the third time forthwith, and passed.

Ordered, that the title thereof be as stated.

The following message was received from the house of representatives through Mr. Montgomery, to-wit:

Mr. PRESIDENT—The house of representatives have passed a resolution relative to the secretary of state.

They have also passed bills of the following titles, to-wit:

A bill to be entitled,

An act the better to secure the organization of the counties of Jones, Wayne, Clarke and Covington.

A bill to be entitled,

An act to be entitled an act to revive certain sections of the revised code in relation to the introduction of slaves into this state;

In all of which I am instructed to desire the concurrence of the senate.

Mr. PRESIDENT—The house of representatives have concurred in the amendment made by the senate to the house bill entitled,

An act prohibiting the license of certain ferries upon the Chickasawha river, in Greene county, and for other purposes.

A bill from the house of representatives to be entitled,

An act to revive certain sections of the revised code in relative to the introduction of slaves into this state,

Was read the first time.

A bill to be entitled,

An act the better to secure the organization of the counties of Jones, Wayne, Clarke and Covington,

Was read the first time.

On motion of Mr. Horne,

The constitutional rule was suspended,

And said bill read the second time by title.

On further motion of Mr. Horne,

The rule was further suspended,

And said bill read the third time forthwith, and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act to provide for the payment of sheriffs' claims therein named, and for other purposes,

Was read the third time.

Mr. Adams moved the indefinite postponement of said bill;

Which was lost;

And said bill was put on its final passage, and carried.

Ordered, that the title thereof be as stated.

On motion of Mr. Miles,

A bill to be entitled,

An act reducing into one the different acts in relation to the state treasury,

Was laid on the table.

A bill to be entitled,

An act extending the power of the tax-collectors,

Was read the third time, and passed.

Ordered, that the title thereof be as stated.

On motion of Mr. Boone,

A bill to be entitled,

An act to provide for the sale of the 500,000 acres of land donated to the state of Mississipi by an act of congress, approved 6th of February, A. D. 1841, and for other purposes,

Was called from the table.

On motion of Mr. Adams,

Said bill was indefinitely postponed.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Acker, Briscoe, Dabney, Dupree, Durr, Horne, Hicks, Johnson, Labauve, Lansdale, Price, Ramsay and Tillman—15 votes.

Noes—Messrs. Booth, Boone, Guion, Lipscomb, Lumpkin, Metcalf, Matthews, Miles, Nicholson, Pegues, Stuart, Turner, Wiliams and Willburn—14 votes.

Mr. Williams moved an adjournment until to-morrow 9 o'clock, A. M.

Which was lost.

On motion of Mr. Adams,

The senate took a recess till seven o'clock, P. M.

SEVEN O'CLOCK, P. M.

The recess having expired,

The senate met.

Mr. Matthews, from a select committee to whom was referred resolutions in relation to the reception of money by the state of Mississippi from the government of the United States,

Reported said resolution back without amendment, and recom-

mended its adoption.

On motion of Mr. Matthews,

The constitutional rule was suspended,

And said resolution was read the third time forthwith, and passed.

Ordered, that the title thereof be as stated.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. PRESIDENT—The house of representatives have passed a resolution from the senate of the following title, viz:

A resolution in relation to the secretary of the senate and his two assistants, and the clerk of the house and his two assistants;

And have made an amendment thereto,

In which they desire the concurrence of the senate.

They have passed a bill of the following title, to-wit:

A bill to be entitled,

An act supplemental to an act entitled an act to establish a system of common schools, and for other purposes;

In which they also desire the concurrence of the senate.

They have passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act extending the power of the tax-collectors.

Mr. PRESIDENT—The house of representatives have passed bills from the senate of the following titles, viz:

A bill to be entitled,

An act to provide for the payment of sheriffs' claims therein named, and for other purposes;

A bill to be entitled,

An act to amend the laws of the state in relation to the enrollment and liens of judgments at law and decrees in chancery.

Mr. Adams called for the consideration of the amendments made by the house of representatives to the resolution from the senate entitled,

A resolution in relation to the secretary of the senate and his two assistants, and the clerk of the house of representatives and his two assistants;

Which was read.

Mr. Labauve moved to concur with said amendment;

Which was lost.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Acker, Boone, Dabney, Fox, Lipscomb, Labauve, Price and Tillman—8 votes.

Noes—Mr. President, Adams, Booth, Dupree, Hicks, Lumpkin, Lansdale, Matthews, Miles, Pegues, Ramsay, Stuart, Turner, Williams and Willburn—15 votes.

Mr. Price, from the committee on enrolled bills, made the follow report, to-wit:

Mr. President—The joint standing committee on enrolled bills have presented to his excellency the governor, for his signature and approval, bills of the following titles:

An act to declare Line creek a navigable stream;

An act to change the name of Thomas Henry Daniel to that of Smith Coffee Daniel;

An act to change the name of William Jamison Bowen to that of William Jamison Wilson;

An act to authorise the board of police of Covington county to have transcribed into suitable books the records of the probate court of said county;

An act for tbe relief Bethany Hall and Abraham Hardy;

An act supplementary to an act entitled an act to incorporate the Canton female academy, of Madison county, approved 5th February, 1836;

An act to amend an act entitled an act to repeal an act to incorporate the town of Panola, in the county of Panola, approved January 27, 1840;

An act to grant to Isham Daniel a charter of a ferry across Pearl river in Leake county, and for other purposes.

Mr. President—The joint standing committee on enrolled bills have examined the following, viz:

A bill for the relief of William S. Langley;

An act to regulate the practice and proceedings in the action of ejectment, and for other purposes;

And have found the same correctly enrolled.

The president signed the bills in said report mentioned.

A bill to be entitled,

An act supplemental to an act entitled an act to establish a system of common schools, and for other purposes,

Was read the first time.

On motion of Mr. Miles,

The constitutional rule was suspended,

And said bill was read the second time by title.

Mr. Lansdale offered the following amendment, to-wit:

Amend by inserting the following provision, to-wit:

Provided, that if the citizens of the township in which Lexington, in Holmes county, is situated, do not approve of the provisions of the act to which this is an amendment, and authorise a tax to be levied as therein provided, that the sums arising from license to retail vinous and spirituous liquors in the town of Lexington, be and the same are hereby appropriated to the Lexington male and female academy.

Be it further enacted, that the city of Jackson shall also be exempted from the provisions of said bill, and that all funds heretofore appropriated to that city, shall remain unimpaired by said law.

The following message was received from the house of representatives, through their clerk, Mr. Montgomery, to-wit:

Mr. PRESIDENT—The house of representatives have concurred in the amendment made by the senate to the house bill to be entitled,

An act to amend an act entitled an act declaring Noxubee river a navigable stream, and for other purposes.

They have concurred in the senate's amendments, and also in the amendment, by way of ryder, made by the senate to the house bill entitled,

An act to authorise the mayor and aldermen of the city of Jackson to erect a bridge across Pearl river, and for other purposes.

On motion of Mr. Williams,

The senate adjourned until 9 o'clock to-morrow morning.

WEDNESDAY, March 4, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Landsdale asked and obtained leave to the introduction of

A bill to be entitled,

An act supplemental to an act passed at the present session of the legislature, entitled an act to establish a system of common schools, and for other purposes;

Which was read the first time.

On motion of Mr. Landsdale,

The constitutional rule was suspended,

And said bill was read the second time by title.

On the further motion of Mr. Landsdale,

The rule was further suspended,

And said bill considered as engrossed and read the third time and passed.

Ordered, that the title thereof be as stated.

Mr. Miles called for the consideration of

A bill to be entitled,

An act supplemental to an act to be entitled an act to establish a system of common schools, and for other purposes.

Mr. Landsdale withdrew the amendment to said bill by him offered on yesterday.

Mr. Dupree offered the following amendment, to-wit:

Be it further enacted, That the city of Jackson shall also be exempted from the provisions of said bill, and that all funds heretofore appropriated to that city shall remain unimpaired by said law;

Which was lost.

On motion of Mr. Miles,

The constitutional rule was suspended,

And said bill considered as engrossed, and read the third time and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act to revive certain sections of the revised code in relation to the introduction of slaves into this state,

Was read the second time.

Mr. Guion offered the following amendment, to-wit:

Amend by adding at the end of section 1, the words, "and all forfeitures and penalties recovered under the provisions of the act revived by this act, shall be paid into the county treasury of the county in which the recovery may be had for the use of common mon schools;"

Which was adopted.

Mr. Lipscomb moved to lay said bill with the amendments on the table;

Which was lost.

Mr. Matthews offered the following amendment, to-wit:

Provided, said sixth section be so amended as only to effect the vendors of slaves, and not the purchasers;

Which was lost.

Mr. Miles moved that the constitutional rule be suspended, and said bill be considered as engrossed and read the third time forthwith;

Which was lost.

The question was then had on the engrossment of the amendment for a third reading on to-morrow with the bill;

Which was decided in the affirmative.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

MR. PRESIDENT—The speaker of the house of representatives has signed bills which originated in the house of the following titles:

An act prohibiting the license of certain ferries upon the Chickasahay river, in Greene county, and for other purposes;

An act to change the labor of convicts in the state penitentiary, and for other purposes;

An act to remove the county seat of Sunflower county;

An act entitled an act to amend an act to reduce the fees of certain officers therein named, approved 10th Feb., 1844;

An act the better to secure the organization of the counties of Jones, Wayne, Clark and Covington;

An act to provide for the erection of permanent school houses in the city of Jackson, and for other purposes;

An act for the relief of the heirs of Washington Dorsey;

An act to change the practice of the circuit court of Yazoo county in relation to juries;

An act to prescribe the duties of Jailors in relation to runaway slaves, and to fix the penalty for violating the same;

Also, a resolution relative to the secretary of state;

Which I am instructed to present to the senate for the signature of the president.

The president signed said bills.

Mr. Price, from the committee on enrolled bills, made the following report, viz:

Mr. President—The joint standing committee on enrolled bills have examined

An act to provide for the payment of sheriffs' claims therein named, and for other purposes;

An act to divide the state of Mississippi into four congressional districts;

An act to amend the laws now in force for the construction and repairing levees in the county of Washington;

An act to change the name of Samuel Moore Manahan, and for other purposes;

An act to establish a system of common schools, and for other purposes;

Resolutions in relation to the location of Indian reservations in the Chickasaw cession;

An act to furnish a uniform standard of weights and measures to the several counties in the state of Mississippi;

A resolution in relation to the two and three per cent. fund;

An act providing for the appointment of guardians in certain cases;

An act for the relief of the heirs of Washington Dorsey;

An act to change the practice of the circuit court of Yazoo county in relation to juries;

An act to change the labor of convicts in the state penitentiary, and for other purposes;

An act better to secure the organization of the counties of Jones, Wayne, Clark and Covington;

An act to prescribe the duties of jailors in relation to runaway slaves, and to fix the penalty for violating the same;

An act to provide for the erection of permanent school-houses in the city of Jackson, and for other purposes;

An act prohibiting the license of certain ferries upon the Chickasahay river, in Greene county, and for other purposes;

An act entitled an act to amend an act to reduce the fees of certain officers therein named, approved 20th Feb., 1844;

An act to remove the county seat of Sunflower county;

Resolution relative to the secretary of state;

And have found the same correctly enrolled.

NATH'L. S. PRICE, Chairman.

The president signed the bills in said report mentioned.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

MR. PRESIDENT—The house of representatives have passed bills from the senate of the following titles, viz:

A bill to be entitled,

An act to provide cases where no executor or administrator will qualify under a will, &c.;

A bill to be entitled,

An act for the aelief of William L. Sharkey.

They have passed a bill of the following title, viz:

A bill to be entitled,

An act to better secure the public buildings of Tippah county;

In which they desire the concurrence of the senate.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

MR. PRESIDENT—The house of representatives have passed a bill of the following title, viz:

A bill to be entitled,

An act to amend and reduce into one, the several acts in relation to the revenue of this state, and for other purposes;

In which I am instructed to desire the concurrence of the senate.

Mr. Labauve asked and obtained leave to the introduction of

A bill to be entitled,

An act to change the names of Martha Ann McHenry and Mary Jane McHenry, to Martha Ann Hall and Mary Jane Hall;

Which was read the first time.

On motion of Mr. Labauve,

The constitutional rule was suspended,

And said bill was read the second time by title.

On the further motion of Mr. Labauve,

The rule was further suspended,

And said bill considered as engrossed, and read the third time and passed.

Ordered, that the title thereof be as stated.

The senate took up the message last received from the house of representatives,

The bill therein reported to be entitled,

An act to amend and reduce into one the several acts in relation to the revenue of this state, and for other purposes,

Was read the first time.

Mr. Adams moved to suspend the constitutional rule and read said bill second time forthwith;

Which was lost.

Mr. Adams called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Adams, Acker, Briscoe, Boone, Dabney, Fox, Horne, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Price, Ramsay, Tillman and Willburn—17 votes.

Noes—Mr. President, Booth, Dupree, Durr, Guion, Landsdale, Metcalf, Miles, Micholson, Pegues, Stewart, Turner and Williams —13 votes.

Mr. Miles moved to reject said bill;

Which was lost.

Mr. Adams called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Dupree, Durr, Guion, Hicks, Landsdale, Metcalf, Miles, Nicholson, Pegues, Stewart, Turner and Williams —13 votes.

Noes—Messrs. Adams, Acker, Briscoe, Booth, Boone, Dabney, Fox, Horne, Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Price, Ramsay, Tillman and Willburn—17 votes.

Mr. Acker offered the following resolution, to-wit:

Resolved, the house concurring, that both houses adjourn sine die on Friday, 12 o'clock, noon;

Which was read the first time.

Mr. Adams moved to suspend the rule and read said resolution the second time forthwith;

Which was lost.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Adams, Acker, Boone, Dabney, Fox, Horne, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Price, Ramsay and Tillman—15 votes.

Noes—Mr. President, Briscoe, Booth, Dupree, Durr, Guion, Landsdale, Metcalf, Miles, Nicholson, Pegues, Stewart, Turner, Williams and Willburn—15 votes.

Mr. Durr, from the standing committee on propositions and grievances, to whom was referred the petition of John Balfour, reported unfavorably, and asked leave to be discharged from the further consideration thereof;

Which was read, and the report received and agreed to.

The bill from the house of representatives to be entitled,

An act to better secure the public buildings of Tippah county,

Was read the first time.

On motion of Mr. Price,

The constitutional rule was suspended,

And said bill was read the second time by title.

Mr. Guion offered the following amendment, to-wit:

Amend by adding after the word "keys," the words, "and lock the doors;"

Which was adopted.

Mr. Price offered the following amendment, to-wit:

Amend by inserting "circuit court clerk," in lieu of "county clerk;"

Which was adopted.

Mr. Williams offered the following amendment, to-wit:

Amend by adding after the words "lock the doors," "and keep them locked."

Mr. Price moved to reject said amendment,

Which was lost.

Mr. Price moved to lay said bill on the table,

Which was lost, and said amendments were ordered to be engrossed for a third reading with said bill on to-morrow.

Mr. Price, from the committee on enrolled bills made the following report, to-wit:

Mr. President:—The joint standing committee on enrolled bills have presented to his excellency the governor, for his signature and approval, bills of the following titles:

Resolutions in relation to the location of Indian reservations in the Chickasaw cession;

A resolution in relation to the two and three per cent. funds;

An act to establish a system of common schools, and for other purposes;

An act to provide for the payment of sheriffs' claims therein named, and for other purposes;

An act to divide the state of Mississippi into four congressional districts;

An act to provide for the appointment of guardians in certain cases;

An act to furnish a uniform standard of weights and measures in the several counties in the state of Mississippi;

An act to change the name of Samuel Moore Manahan, and for other purposes;

An act to amend the laws in force for the construction and repairing levees in the county of Washington.

N. S. PRICE, Chairman.

On motion of Mr. Guion,

The senate took a recess until three o'clock, P. M.

3 O'CLOCK, P. M.

The recess having expired,

The senate met.

Mr. Dupree asked and obtained leave to the introduction of

A bill to be entitled,

An act supplemental to an act passed at the present session of the legislature entitled an act to establish a system of common schools, and for other purposes:

Which was read the first time.

Mr. Dupree moved to suspend the constitutional rule to the end that said bill be read the second time by title;

Which was lost.

Mr. Miles asked and obtained leave to the introduction of

A bill to be entitled,

An act to amend the laws now in force in this state regulating proceedings against slaves charged with grand larceny, and for other purposes;

Which was read the first time.

Mr. Miles moved that the constitutional rule be suspended, to the end that said bill be read the second time;

Which was lost.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, viz:

Mr. President—The house of representatives have passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act to amend an act entitled an act approved February 24, 1844, entitled an act to amend the several acts of limitations, and for other purposes.

They have passed bills of the following titles, viz:

A bill to be entitled,

An act for the relief of Roger A. Heirne, and others, owners of the tract of land known as the Livingston grant, at Pass Christian, in Harrison county;

A bill to be entitled,

An act to define the manner of issuing warrants against offenders charged with the commission of felony;

A bill to be entitled,

An act in relation to the town-lot fund, and for other purpoes;

A resolution requiring the secretary of state to have distributed to the judges of the circuit courts, Smedes & Marshall's reports;

In which they desire the concurrence of the senate.

The house of representatives have receeded from their amendment made by the house to the senate resolution relative to the secretary of the senate and his two assistants, and the clerk of the house and his two assistants.

Mr. President—The house of representatives have passed bills from the senate of the following titles, viz:

A bill to be entitled,

An act amendatory and explanatory of an act to designate in what manner and in what courts suit shall be brought against the state of Mississippi, approved Feb. 15, 1833;

A bill to be entitled,

An act supplemental to an act passed at the present session of the legislature entitled an act to establish a system of common schools, and for other purposes.

The house have passed a resolution in relation to the adjournment *sine die* of both houses of the legislature;

In which they desire the concurrence of the senate.

The senate took up the business received from the house of representatives.

A bill to be entitled,

An act in relation to the town-lot fund, and for other purposes;

Was read the first time.

A resolution in relation to the adjournment of both houses of the legislature,

Was read the first time.

On motion of Mr. Adams,

Said resolution was indefinitely postponed.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Booth, Dupree, Guion, Lipscomb, Landsdale, Metcalf, Miles, Pegues, Stewart, Turner and Williams —13 votes.

Noes—Messrs. Acker, Dabney, Hicks, Johnson, Lumpkin, Labauve, Price, Ramsay, Tillman and Willburn—10 votes.

Mr. Lipscomb moved to reconsider the vote indefinitely postponing said resolution.

Mr. Lumpkin moved a call of the senate, pending which call,

Mr. Guion moved an adjournment until to-morrow morning, 9 o'clock;

Which was lost.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Guion, Landsdale, Metcalf, Miles, Stewart and Turner—6 votes.

Noes—Mr. President, Adams, Acker, Briscoe, Dabney, Dupree, Horne, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Pegues, Price, Ramsay, Tillman and Willburn—17 votes.

Mr. Ramsay asked and obtained leave of absence for the remainder of the session for Mr. Durr, the senator from the counties of Kemper and Lauderdale.

Mr. Ramsay asked and obtained leave of absence for the remainder of the session for Mr. Beene, the senator from the counties of Itawamba and Pontotoc.

Mr. Stewart asked and obtained leave of absence for the remainder of the session for Mr. Wall, the senator from the county of Amite.

On motion of Mr. Adams,

The senate took a recess for half an hour.

The recess having expired,

The senate met.

The call being suspended, the question was had on the motion of reconsideration;

Which was lost.

Mr. Briscoe called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Acker, Boone, Dabney, Fox, Horne, Hicks, Johnson, Lipscomb, Lumpkin, Matthews, Ramsay and Tillman—13 votes.

Noes—Messrs. Adams, Briscoe, Booth, Dupree, Guion, Labauve, Landsdale, Metcalf, Miles, Nicholson, Pegues, Stewart, Turner, Williams and Willburn—15 votes.

On motion of Mr. Lipscomb,

The vote entered on to-day refusing to suspend the constitutional rule for the second reading of

A bill to be entitled,

An act to amend the laws now in force in this state regulating the proceedings against slaves charged with grand larceny, and for other purposes,

Was reconsidered;

And the question was thereupon had on the suspension of said rule; which was decided in the affirmative,

And said bill was read the second time forthwith.

On the further motion of Mr. Miles,

The rule was further suspended,

And said bill considered as engrossed, and read the third time forthwith and passed.

Ordered, that the title thereof be as stated.

On motion of Mr. Adams,

A reconsideration of the vote was had, which refused on to-day to suspend the constitutional rule for the second reading of

A bill to be entitled,

An act supplemental to an act passed at the present session of this legislature entitled an act to establish a system of common schools, and for other purposes;

And the question was had on said suspension, and decided in the affirmative, and said bill was read the second time forthwith.

On the further motion of Mr. Adams,

The rule was further suspended,

And said bill considered as engrossed, and read the third time forthwith and passed.

Ordered, That the title thereof be as stated.

A bill to be entitled,

An act to define the manner of issuing warrants against offenders charged with the commission of felony,

Was read the first time, and

On motion of Mr. Guion,

Said bill was laid on the table.

A bill to be entitled,

An act for the relief of Roger A. Heirne, and others, owners of the tract of land known as the Livingston grant, at Pass Christian, in Harrison county,

Was read the first time.

On motion of Mr. Guion,

Said bill was rejected.

A resolution requiring the sscretary of state to distribute Smedes and Marshalls reports to circuit judges,

Was read the first time.

On motion of Mr. Adams,

The constitutional rule was suspended,

And said resolution was read the second time.

On the further motion of Mr. Adams,

The rule was further suspended,

Ane said resolution read the third time and passed.

Ordered, that the title thereof be as stated.

Mr. Matthews moved an adjournment until 7 o'clock, this evening;

Which was lost.

Mr. Labauve moved to reconsider the vote on which the senate refused to reconsider their vote on the indefinite postponement of the joint resolution from the house of representatives in relation to the adjournment of the two houses.

The president decided said motion out of order.

Mr. Labauve appealed from the decision of the chair, and called for the ayes and noes thereon.

The question was put, "shall the decision of the chair stand?"

The senate sustained the decision of the chair.

The ayes and noes are as follows, to-wit:

Ayes—Messrs. Adams, Briscoe, Booth, Dupree, Guion, Hicks, Landsdale, Metcalf, Miles, Nicholson, Pegues, Stewart, Turner, Williams and Willburn—15 votes.

Noes—Messrs. Acker, Boone, Dabney, Fox, Horne, Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Price, Ramsay and Tillman—13 votes.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bills have presented to his excellency the governor, the following bills for his approval and signature:

An act to prescribe the duties of jailors in relation to runaway slaves, and to fix the penalty for violating the same;

An act entitled an act to amend an act to reduce the fees of certain officers therein named, approved 10th Feb. 1844;

An act for the relief of the heirs of Washington Dorsey;

An act the better to secure the organization of the counties of Jones, Wayne, Clarke and Covington;

An act to remove the county seat of Sunflower county;

An act to provide for the erection of permanent school houses in the city of Jackson, and for other purposes;

An act to change the practice of the circuit court of Yazoo county in relation to juries;

An act to change the labor of convicts in the state penitentiary, and for other purposes;

An act prohibiting the license of certain ferries upon the Chickasahay river, in Greene county, and for other purposes;

Also, a resolution relative to the secretary of state.

N. S. PRICE, Chairman.

On motion of Mr. Landsdale,

The senate adjourned until to-morrow morning, 9 o'clock.

THURSDAY, MARCH 5, 1846.

The senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Lipscomb asked and obtained leave to the introduction of a resolution granting leave of absence to John D. Freeman, attorney general;

Which was read the first time.

On motion of Mr. Lipscomb,

The constitutional rule was suspended,

And said resolution was read the second time by title.

On the further motion of Mr. Lipscomb,

The rule was further suspended,

And said resolution was read the third time, and passed.

Ordered, that the title thereof be as stated.

On motion of Mr. Guion,

The vote taken on yesterday respecting a bill to be entitled,

An act for the relief of Roger A. Heirne and others, owners of a tract of land, known as the Livingston grant, at Pass Christian, in Harrison county,

Was reconsidered.

On motion of Mr. Ramsay,

The constitutional rule was further suspended,

And said bill was read the third time forthwith, and passed.

Ordered, that the title thereof be as stated.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. PRESIDENT—The joint standing committee on enrolled bills have examined,

An act to authorise the mayor and aldermen of the city of Jackson to erect a bridge across Pearl river, and for other purposes;

An act supplemental to an act entitled an act to establish a system of common schools, and for other purposes;

An act making compensation for repairs on the public buildings, and for other purposes;

An act entitled an act declaring Noxubee river a navigable stream, approved February 15, 1838;

Resolution in relation to the reception of money by the state of Mississippi from the United States;

An act to revise an act to incorporate the Eagle railroad and lumber company;

An act for the relief of William L. Sharkey;

An act amendatory and explanatory of an act to designate in what manner and in what courts suits shall be brought against the state of Mississippi, approved February 15, 1833;

An act to amend the laws of the state in relation to the enrollment and liens of judgments at law and decrees in chancery;

An act to provide for cases where no executor or administrator will qualify under a last will and testament and undertake to carry it into effect;

An act supplemental to an act passed at the present session of the legislature entitled an act to establish a system of common schools, and for other purposes;

A resolution in relation to the secretary of the senate and his two assistants, and the clerk of the house of representatives and his two assistants;

An act regulating the powers of tax-collectors;

An act to amend the act approved February 24, 1844, entitled an act to amend the several acts of limitations, and for other purposes;

And have found the same correctly enrolled.

N. S. PRICE, Chairman.

The President signed the bills in said report mentioned.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. PRESIDENT—The house of representatives have passed bills from the senate of the following titles, viz:

A bill to be entitled,

An act supplemental to an act passed at the present session of the legislature, entitled an act to establish a system of common schools, and for other purposes;

A bill to be entitled,

An act to change the names of Martha Ann McHenry and Mary Jane McHenry to Martha Ann Hall and Mary Jane Hall;

A bill to be entitled,

An act to amend the laws now in force in this state regulating proceedings against slaves charged with grand larceny, and for other purposes.

Mr. Matthews, from a select committee to whom had been referred a bill to be entitled,

An act to amend the laws of this state in relation to unlawful and forcible entry and detainer,

Reported said bill back with an amendment;

Which was received and adopted,

And said amendment adopted.

On motion of Mr. Matthews,

Said bill and amendment were considered as engrossed,

And the constitutional rule suspended,

And said bill and amendment read the third time, and passed.

Ordered, that the title thereof be as stated.

The following message was received from the house of representatives through Mr. Montgomery, to-wit:

Mr. PRESIDENT—The house of representatives have passed a joint resolution in relation to the adjournment sine die of both houses of the legislature.

They have passed bills of the following titles, to-wit:

A bill to be entitled,

An act to define the fees of judges of probate in certain cases, and for other purposes;

A bill to be entitled,

An act to amend an act to incorporate the northern bank of Mississippi, approved April 28, 1837;

An act for the relief of Ephraim Crow;

In all of which I am instructed to desire the concurrence of the senate.

Petition with the last bill sent into the senate.

The senate proceeded to the consideration of the orders of the day; and took up the bill entitled,

An act to amend and reduce into one the several acts in relation to the revenue of this state, and for other purposes.

On motion of Mr. Labauve,

The senate resolved itself into committee of the whole forthwith, on said bill;

And after sometime spent therein, the committee rose,

And Mr. Turner reported the bill as amended.

On motion of Mr. Turner,

The report was received.

The question was had upon agreeing to the following amendment, made in committee of the whole,

And decided in the affirmative, to-wit:

Amend by striking out the first section from the enacting clause.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Briscoe, Booth, Dupree, Guion, Hicks, Lansdale, Metcalf, Miles, Pegues, Stuart, Tillman, Turner, Williams and Willburn—15 votes.

Noes—Messrs. Adams, Acker, Boone, Dabney, Fox, Horne, Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Price and Ramsay—13 votes.

Mr. Turner offered the following amendment, to-wit:

Amend by striking out 3d section;

Which was lost.

Mr. Miles offered the following amendment, to-wit:

Amend section five, in line 11, by striking out the words,

"According to the provisions of said first section of this act,"

And insert in lieu thereof the words,"

"According to the law now in force";

And by striking out the words,

"Under the first section of this act,"

From the 9th and 10th lines;

Which was adopted.

Mr. Matthews offered the following amendment, to-wit:

Strike out two years and insert four, in section 19;

Which was lost.

Mr. Pegues offered the following amendment, to-wit:

Amend by inserting, after the word "improvement," in section 14, the words,

"Except dwelling houses and ornamental improvements of any kind";

Which was lost.

On motion of Mr. Adams,

The said amendments were considered as engrossed,

And the rule was suspended,

And said bill was read the third time, and passed.

Ordered, that the title thereof be as stated.

Mr. Labauve called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Briscoe, Dupree, Guion, Hicks, Lansdale, Metcalf, Matthews, Miles, Pegues, Price, Stuart, Tillman, Turner, Williams and Willburn—17 votes.

Noes—Messrs. Acker, Booth, Boone, Dabney, Fox, Horne, Lipscomb, Labauve, Lumpkin and Ramsay—10 votes.

The following message was received from his excellency the governor through his private secretary, to-wit:

Mr. President—His excellency has approved the following bills which originated in the senate:

An act to divide the state of Mississippi into four congressional districts;

An act to amend the laws now in force for the construction and repairing levees in the county of Washington;

An act to change the name of Samuel Moore Manahan, and for other purposes;

An act to furnish a uniform standard of weights and measures in the several counties in the state of Mississippi;

An act to provide for the payment of sheriffs' claims therein named, and for other purposes;

An act to provide for the appointment of guardians in certain cases;

An act to establish a system of common schools, and for other purposes;

A resolution in relation to the two and three per cent. funds;

Resolutions in relation to the location of Indian reservations in the Chickasaw session;

An act for the relief of William S. Langley;

An act to regulate the practice and proceedings in the action of ejectment, and for other purposes:

Approved 4th March, 1846.

To the Senate:

I nominate William S. Bodley to be commissioner of the Jackson and Brandon railroad and bridge company in place of James McDowell, who has declined the appointment.

A. G. BROWN.

Executive chamber,
5th March, 1846.

To the Senate:

I ask the advice and consent of the senate to the remission of a forfeiture against William Rawles, of Tunica county, taken against him in 1842, on his recognizance for an affray.

This is the same case for the relief of which a bill passed both houses of the legislature at this session, and was returned by me to the house on the ground that the power to remit forfeitures belonged to the governor and senate, and not to the legislature.

A. G. BROWN.

Executive chamber,
5th March, 1846.

On motion of Mr. Guion,

The senate forthwith went into executive session, on said last mentioned message, with open doors.

On motion of Mr. Labauve,

The senate advise and consent to the remission of the forfeiture against William Rawles, of Tunica county, taken against him in 1842, on his recognizance for an affray.

On motion of Mr. Guion,

The senate advise and consent to the nomination of William S. Bodley to be commissioner of the Jackson and Brandon railroad and bridge company, in place of James McDowell, who has declined the appointment.

The senate resumed the regular business thereof.

Mr. Matthews asked and obtained leave to the introduction of

A bill to be entitled,

An act supplemental to an act approved 28th, February, 1846, entitled an act to amend an act to prescribe the mode of proceeding against incorporated banks for a violation of their corporate franchises, and against persons pretending to exercise corporate privileges under acts of incorporation, and for other purposes, approved July 26, 1843;

Which was read the first time.

On motion of Mr. Adams,

The further consideration of said bill was postponed for one hour.

The following resolution from the house of representatives was read, to-wit:

Resolved, the senate concurring, that the joint resolution of the two houses, fixing upon the 5th of March for adjournment, be so amended as to require the two houses to adjourn on Friday the 6th March.

Mr. Labauve moved to concur with said resolution;

Which was lost.

Mr. Miles called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Adams, Boone, Dabney, Fox, Hicks, Lnupkin, Labauve, Matthews, Price, Ramsay and Williams—12 votes.

Noes—Messrs. Acker, Briscoe, Booth, Dupree, Lipscomb, Lansdale, Metcalf, Miles, Pegues, Stuart, Tillman, Turner and Willburn—13 votes.

The following message was received from the house of representatives, through their clerk, Mr. Montgomery, to-wit:

Mr. President—The speaker of the house of representatives has signed bills which originated in the house of the following titles: to-wit:

An act to revive an act entitled an act to incorporate the Eagle railroad and Lumber company;

An act to authorise the mayor and aldermen of the city of Jackson to erect a bridge across Pearl river, and for other purposes;

An act entitled an act declaring Noxubee river a navigable stream, approved February 15th, 1838;

An act supplemental to an act entitled an act to establish a system of common schools, and for other puaposes;

An act making compensation for repairs on the public buildings, and for other purposes;

A resolution in relation to the reception of money by the state of Mississippi from the United States;

Which I am instructed to present to the senate for the signature of the president.

The president signed said bills.

Mr. Matthews, from a select committee to whom had been referred a bill to be entitled,

An act to amend the law of unlawful forcible entry and detainer,

Reported said bill back with an amendment;

Which was received, and the amendment adopted.

On motion of Mr. Matthews,

Said amendment was considered as engrossed, and the rule suspended,

And the bill and amendment read the third time forthwith, and passed.

Ordered, that the the title thereof be as stated.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

MR. PRESIDENT—The house of representatives have passed bills of the following titles, viz:

A bill to be entitled,

An act to amend the twenty-first section of an act entitled an act to amend and reduce into one the several acts in relation to the revenue of this state, and for other purposes;

Also, a resolution in relation to the controversy between the states of South Carolina and Louisiana on the on side, and Massachusetts on the other;

In which they desire the concurrence of the senate.

Also, a resolution from the senate of the following title:

A resolution appropriating room No. 4, in the basement story of the capitol, to the state commissioner.

MR. PRESIDENT—The house of representatives have passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act making appropriations therein named;

With an amendment, by way of ryder, made by the senate to the same;

And have made sundry amendments thereto;

In which they desire the concurrence of the senate.

Mr. PRESIDENT—The house of representatives have passed a resolution to compensate the publishers of newspapers in the city of Jackson for papers furnished during the present session;

In which they desire the conourrence of the senate.

They have passed a resolution from the senate, granting leave of absence to John D. Freeman, attorney general.

They have passed a memorial from the senate of the following title:

A memorial to the congress of the United States.

The senate proceeded to the consideration of the amendments

made by the house of representatives to a bill from the senate to be entitled,

An act making certain appropriations therein named:

On motion of Mr. Boone,

The appropriations therein named to D. R. Jones, sheriff of Scott county, was rejected.

Mr. Matthews offered the following amendments to the amendments, to-wit:

To Price & Fall for printing during the present session of the legislature, as per following bill, two hundred and fifteen dollars and eighty cents;

And to Price & Rohrer, for printing done January, 1846, $1,130 60, as per following bill;

To Price & Rohrer, for advertising done in the Mississippian the sum of $170 80, as per following bill;

To Price & Rohrer, for printing done for the house of representatives previous to the 15th January, 1846, $1,467 36;

To Price & Fall, for printing done for the house of representatives since the 15th January, $796 50, as per following bill;

To Price & Fall, for printing auditor's reports and treasurer's reports in the Mississippian in the year, 1845, $118, as per following bill;

Which were adopted.

Mr. Miles offered the following amendment to the amendment, to-wit:

Amend the amendment by adding,

"To Price & Fall and to Price & Rohrer, whatever amount the auditor of public accounts shall find due them as public printers";

Which was adopted.

On motion of Mr. Landsdale,

The account of Messrs. Price & Fall, for the above sums of money, were ordered to be spread on the journals, and are as follows, to-wit:

SENATE DR.

The State of Mississippi,

1846. *To Price & Rohrer:*

January.—200 copies yeas and nays, - -		$10
200 copies " with counties annexed,		12
2000 copies governor's message and accompanying documents, - -		862 60
200 copies bill No. 1, 2 pages, -		6
200 copies bill No. 2, 8 pages, -		18
200 copies bill No. 3, 4 pages,		12
200 copies of yeas and nays, - -		10
Amount of printing done for the senate previous to the election of state printer, - -		$1,130 60

SENATE.

The State of Mississippi,

1846. *To Price & Fall,*

Jan. 16.—Printing: 200 copies report of auditor public accounts, 2 pages, rule and figure,		$5 40
150 copies bill No. 5, -		8 40
200 copies bill No. 6, -		8 40
200 copies bill No. 7, -		4 20
200 copies bill No. 8, -		4 20
200 copies yeas and nays, -		10
200 copies bill No. 9,		8 40
200 copies bill No. 10, -		8 40
200 copies bill No. 11, -		8 40
500 copies report on apportionment,		16
200 copies bill No. 12, -		8 40
250 copies bill No. 13, -		16 80
250 copies bill No. 14, -		16 80
200 copies yeas and nays,		10
Printing done for the senate since the 15th of January,		$135 80
32 copies Daily Mississippian,		80
		$215 80

The State of Mississippi,

1846. *To Price & Fall.*

Jan. 16.—Printing: 200 copies treasurer's report, 8 pages, rule and figure,	-	$21 60
200 copies of auditor's report, 10 pages, rule and figure,	-	27
Bill No. 2, 200 copies, 2 pages,		4 20
300 yeas and nays,	-	15
Bill No. 3, 4 pages, 200 copies,		8 40
Bill No. 4, 4 pages, 200 copies,		8 40
Bill No. 5, 26 pages, 500 copies,		163 80
Bill No. 6, 2 pages, 200 copies,		4 20
Bill No. 7, 2 pages, 200 copies,		4 20
Bill No. 8, 2 pages, 200 copies,		4 20
300 yeas and nays,	-	15
Bill No. 9, 2 pages,	-	4 10
Bill No. 10, 2 pages,	-	4 10
500 copies of yeas and nays,	-	20
Bill No. 11, 250 copies, 10 pages,		44 20
Bill No. 12, 250 copies, 12 pages,		50 40
Bill No. 13, 200 copies, 10 pages,		20 10
Bill No. 14, 500 copies, 26 pages,		163 80
Bill No. 15, 250 copies, 4 pages,		16 80
Bill No. 16, 250 copies, 6 pages,		25 20
250 copies of report on quo warranto, 16 pages,	-	21 60
500 copies penitentiary report, 14 p.		25
1000 correspondence, governor and senator Walker, in relation to the "lost commission,"	-	40
1000 copies receipt warrants,		30
200 copies reports in relation to the repeal of laws for collection of debts,		15
200 minority reports on quo warranto,		21
500 reports com. ways and means,		12 50
200 yeas and nays,	-	8

Amount of printing done for the house since 15th January, $796 50

The State of Mississippi *Dr.*

1844 *To Price & Rohrer,*

Publishing 3 chancery notices, by order of Geo. Work, solicitor for the state—notices to debtors of town lot fund,	$45	
Publishing general order of William M. Smyth, quartermaster general, 4 weeks,	3	20
Notice to trespassers on the state lands at Jackson,	10	86
Publishing auditor's & treasurer's reports in Mississippian,	112	
	$170	80

The State of Mississippi, *Dr.*

1845. *To Price and Fall:*

To publishing auditor's and treasurer's reports in the Mississippian,	$108	

HOUSE OF REPRESENTATIVES DR.

The State of Mississppi,

1846. *To Price and Rohrer:*

January—300 yeas and nays,	15	
300 list of members, with counties annexed,	15	
100 copies rules and orders, 16 pages,	30	40
3000 copies governor's message and accompanying documents, 104 pages, 7 rule and figure, 92 plain,	1,294	16
800 blank certificates,	25	
2000 copies governor's inaugural address, 8 p.	60	80
200 ayes and noes,	10	
150 copies bill No. 1, 6 pages,	18	
Amount of printing done for the house previous to the election of state printer, and done by resolution under the old law,	$1,467	36

Mr. Matthews offered the following amendment, to-wit:

To Robert Joselyn & Lewis for advertising sale of lands for taxes in the county of Lafayette in the year 1842, five hundred dollars in addition to what they had already received;

Which was lost.

On motion of Mr. Labauve,

Said amendments were considered as engrossed and adopted,

And the amendments, as amended, concurred in.

A bill to be entitled,

An act further to amend an act entitled an act to incorporate the northern bank of Mississippi, approved April 28th, 1837,

Was read the second time.

On motion of Mr. Lumpkin,

Said bill was laid on the table.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

Mr. President—The house of representatives have passed a bill of the following title, viz:

A bill to be entitled,

An act to authorize the commissioner of the seminary fund to compound with the debtors thereof.

Also, a memorial to the congress of the United States to donate lands for the construction of a levee on the Mississippi river.

They have also passed a bill from the senate of the following title, viz:

A bill to be entitled,

An act to provide for the payment of the debts due for the state library, and for an interchange of books between this state and the several states of the Union,

And have made sundry amendments thereto; and also to the title thereof;

In all of which they desire the concurrence of the senate.

They have also passed memorials and bills from the senate of the following titles:

A memorial to the congress of the United States;

A memorial of the legislature of the state of Mississippi to the congress of the United States;

A bill to be entitled,

An act to incorporate the trustees of the first Presbyterian church of Yazoo city;

A bill to be entitled,

An act to declare Quiver or Tompkins Bayou, known as the Dry Bayou, a navigable stream;

A bill to be entitled,

An act to incorporate Concord lodge, No. 12, of the independent order of odd fellows.

Mr. President—The speaker of the house of representatives has signed bills which originated in the house, of the following titles, viz:

An act in relation to the town-lot fund, and for other purposes;

An act to revive certain sections of the revised code in relation to the introduction of slaves into this state;

A resolution to compensate the publishers of newspapers in the city of Jackson, for papers furnished during the present session;

An act to declare Quiver or Tompkins Bayou, and the Bayou known as Dry Bayou, a navigable stream.

Also, bills which originated in the senate of the following titles, to-wit:

An act to incorporate the trustees of the first Presbyterian church of Yazoo city;

An act to incorporate Concord lodge, No. 12, of the independent order of odd fellows;

A memorial to the congress of the United States;

Which I am instructed to present to the senate for the signature of the president.

The president signed said bills.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

Mr. President—The house of representatives have concurred in the amendments made by the senate to the house bill entitled,

An act to amend the laws of this state in relation to unlawful and forcible entry and detainer.

A bill to be entitled,

An act to define the fees of judges of probate in certain cases, and for other purposes,

Was read the first time.

A bill to be entitled,

An act to better secure the public buildings of Tippah county,

Was read the third time.

On motion of Mr. Price,

The bill was laid on the table.

A bill to be entitled,

An act to revise certain sections of the revised code in relation to the introduction of slaves into this state,

Was read the third time and passed.

Mr. Lipscomb offered the following amendment, to-wit:

Amend by adding to the title, "to discountenance slave labor in the state of Mississippi;"

Which was lost.

Ordered, That the title thereof be as stated.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. PRESIDENT—The joint standing committee on enrolled bills have presented to his excellency the governor, for his signature and approval, bills of the following titles, to-wit:

An act supplemental to an act passed at the present session of the legislature, entitled an act to establish a systen of common schools, and for other purposes;

An act regulating the power of the tax-collectors;

An act amendatory and explanatory of an act to designate in what manner, and in what courts suits shall be brought against the state of Mississippi, approved February 15, 1833;

An act to amend an act entitled an act approved February 24, 1844, entitled an act to amend the several acts of limitations, and for other purposes;

A resolution in relation to the secretary of the senate and his two assistants, and the clerk of the house of representatives, and his two assistants;

An act to amend the laws of the state in relation to the enrollment and liens of judgments at law, and decrees in chancery;

An act to provide for cases where no executor or administrator will qualify under a last will and testament, and undertake to carry it into effect;

An act for the relief of William L. Sharkey;

An act making compensation for the repairs of the public buildings, and for other purposes;

An act supplemental to an act entitled an act to establish a system of common schools, and for other purposes;

An act entitled an act declaring Noxubee river a navigable stream;

An act to authorize the mayor and aldermen of the city of Jackson to erect bridges across Pearl river, and for other purposes;

Resolution for the reception of money by the state of Mississippi.

On motion of Mr. Price,

Mr. Lipscomb was added to the committee on enrolled bills.

A bill to be entitled,

An act in relation to the town-lot fund, and for other purposes,

Was read the second time.

Mr. Miles moved to suspend the rule and read said bill the third time forthwith;

And the question being taken thereon, it was lost.

On motion,

The vote refusing to read said bill the third time was reconsidered; and,

On motion of Mr. Boone,

The rule was suspended,

And said bill read the third time forthwith and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act to amend the second section of an act entitled an act to amend and reduce into one, the several acts in relation to the revenue of this state, and for other purposes,

Was read the first time.

On motion of Mr. Miles,

The constitutional rule was suspended,

And said bill was read the second time by title.

On motion of Mr. Labauve,

Said bill was laid on the table.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. PRESIDENT—The house of representatives have concurred in the amendments made by the senate to the house bill entitled,

An act to revive certain sections of the revised code in relation to the introduction of slaves into this state.

On motion of Mr. Price,

The senate took a recess until 3 o'clock, P. M.

3 o'clock, P. M.

The recess having expired,

The senate met.

Mr. Miles offered the following resolution, to-wit:

Resolved, that it is the sense of the senate that all legislation close from and after 4 o'clock, P. M., inst., except such as may be necessary to finish the revenue bill, and complete all acts that have heretofore been passed in both houses;

Which was adopted.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

Mr. President—The house of representatives have disagreed to the amendments made by the senate to the house bill entitled,

An act to amend and reduce into one the several acts in relation to the revenue of this state.

They have concurred in the amendments made by the senate to the amendments made by the house to the senate bill entitled,

An act making certain appropriations therein named.

Mr. President—The house of representatives have passed a bill of the following title, viz:

A bill to be entitled,

An act for the relief of Rankin Crow;

In which they desire the concurrence of the senate.

On motion of Mr. Labauve,

The senate proceeded to the consideration of the disagreement by the house of representatives to amendments made by the senate to the bill from the house of representatives to be entitled,

An act to amend and reduce into one the several acts in relation to the revenue of this state,

On motion of Mr. Miles,

The senate insist on their amendments, and ask a committee of conference to consist of three members on the part of the senate, and — on the part of the house of representatives.

Mr. Landsdale called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Briscoe, Booth, Dupree, Guion, Hicks, Lipscomb, Lumpkin, Landsdale, Metcalf, Matthews, Miles, Pegues, Price, Stewart, Turner, Williams and Willburn—18 votes.

Noes—Messrs. Adams, Acker, Boone, Dabney, Fox, Horne, Labauve, Ramsay and Tillman—9 votes.

Messrs. Miles, Matthews and Turner were appointed said committee of conference.

On motion of Mr. Miles,

The senate took a recess for half an hour.

The recess having expired, the senate met.

On motion of Mr. Boone,

The senate proceeded to the consideration of the orders of the day.

A bill to be entitled,

An act for the relief of Ephraim Crow,

Was read the first time.

On motion of Mr. Landsdale,

Said bill was laid on the table.

Mr. Miles, on his motion, had leave of absence granted for a few minutes to attend on a committee of conference.

A memorial to congress to donate lands to construct a levee on the Mississippi river,

Was read the first time.

On motion of Mr. Landsdale,

Said memorial was laid on the table.

The following message was received from the house of representatives, through Mr. Montgomery, their clerk, to-wit:

Mr. President—The house of representatives have passed a bill of the following title, viz:

A bill to be entitled,

An act to extend and regulate the remedy by attachment;

In which they desire the concurrence of the senate.

The bill from the house of representatives to be entitled,

An act to authorize the commissioner of the seminary fund to compound with the debtors thereof,

Was read the first time.

Mr. Landsdale moved to lay said bill on the table;

Which was lost.

On motion,

The constitutional rule was suspended,

And said bill was read the second time by title.

On further motion,

The rule was further suspended,

And said bill was read the third time forthwith and passed.

Ordered, that the title thereof be as stated.

A bill to be entitled,

An act to extend and regulate the remedy by attachment,

Was read the first time; and,

On motion of Mr. Guion,

Laid on the table.

The amendments made by the house of representatives to a bill from the senate to be entitled,

An act to provide for the payment of the debts due for the state library; and for an interchange of books between this state and the several states of the Union,

Were read.

On motion of Mr. Guion,

The several amendments were disagreed to.

The resolution from the house of representatives in relation to the controversy between the states of South Carolina and Louisiana on the one side, and Massachusetts on the other,

Was read the first time.

On motion of Mr. Boone,

The constitutional rule was suspended,

And said resolution was read the second time by title.

On further motion,

The rule was further suspended,

And said resolution read the third time forthwith and adopted.

Ordered, that the title thereof be as stated.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

Mr. President—The house of representatives have concurred in the joint resolution from the senate appointing a committee of conference of three on the part of the senate, and — on the part of the house, on the amendments made by the senate to the house bill entitled,

An act to amend and reduce into one the several acts in relation to the revenue of this state;

And have appointed on the part of the house, Messrs. Totten, Kennedy, Sessions, Abbott and Harrison.

Mr. Miles, from a committee of conference, made the following report, to-wit:

The committee of conference between the two houses on,

A bill to be entitled,

An act to amend and reduce into one the several acts in relation to the revenue of this state, and for other purposes,

Agree as follows, to-wit:

Strike out the first section of the house bill after the enacting clause, and insert, "that hereafter all negroes under the age of sixty years shall be subject and liable to a tax of sixty cents each: that all lands liable to taxation under the laws of this state shall be liable to an *ad valorem* tax of one fourth per cent.; and on all other articles and things the tax shall be the same as is imposed by an act entitled an act to reduce into one the several laws in relation to the revenues of this state, and for other purposes, approved July 24th, 1844. Strike out of section 46 the words "whether funded or unfunded," and insert "which are unfunded;"

Which was concurred in.

Mr. Guion called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Messrs. Adams, Acker, Briscoe, Boone, Dabney, Fox, Horne, Hicks, Lipscomb, Lumpkin, Labauve, Matthews, Pegues, Price, Ramsay, Tillman, Turner and Willburn—18 votes.

Noes—Mr. President, Booth, Dupree, Guion, Landsdale, Metcalf, Miles, Stewart, and Williams—9 votes.

On motion of Mr. Miles,

He had leave to spread upon the journal the following explanation of his vote:

"As chairman of the senate committee, he was overruled by the majority of the committee who concurred in the subject matters of the report, and was thus compelled to make a report against his own views."

A bill to be entitled,

An act for the relief of Franklin Crow,

Was read the first time.

Mr. Adams moved to suspend the rule and read the bill the second time forthwith;

Which was lost.

Mr. Price, from the committee on enrolled bills, made the follow report, to-wit:

Mr. President—The joint standing committee on enrolled bills have examined an act of the following title, to-wit:

An act supplemental to an act passed at the present session of the legislature entitled an act to establish a system of common schools, and for other purposes;

And have found the same correctly enrolled.

N. S. PRICE, Chairman.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. President—The house of representatives have concurred in the report of the committee of conference raised by the two houses to adjust the differences between the two houses on the revenue bill.

Mr. President—The house of representatives have receeded from their amendments to the bill from the senate entitled,

An act to provide for the payment of the debts due for the state library, and for an interchange of books, &c.

A resolution to compensate the publishers of newspapers in the the city of Jackson, for papers furnished during the present session,

Was read the first time.

Mr. Adams moved to lay said resolution on the table;

Which was lost.

On motion of Mr. Landsdale,

The constitutional rule was suspended,

And said resolution was read the second time.

On the further motion of Mr. Lumpkin,

The rule was further suspended,

And said resolution was read the third time forthwith and adopted.

Ordered, that the title thereof be as stated.

Mr. Adams called for the ayes and noes thereon, which are as follows, to-wit:

Ayes—Mr. President, Acker, Boone, Dabney, Fox, Guion, Lipscomb, Lumpkin, Labauve, Landsdale, Metcalf, Matthews, Miles, Ramsay, Turner, Williams and Willburn—17 votes.

Noes—Messrs. Adams, Horne, Hicks and Stewart—4 votes.

Mr. Price, from the committee on enrolled bills made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bills have examined

An act to authorize the commissioner of the seminary fund to compound with the debtors thereof;

A resolution in relation to the controversy between the states of South Carolina and Louisiana on the one side, and Massachusetts on the other;

An act to amend and reduce into one the several acts in relation to the revenue of this state, and for other purposes;

An act to provide for the payment of debts due for the state library, and for an interchange of books between this state and the several states of the Union;

An act making certain appropriations therein named;

An act to amend the law of this state in relation to unlawful forcible entry and detainer;

A memorial of the legislature of the state of Mississippi to the congress of the United States;

And have found the same correctly enrolled.

N. S. PRICE, Chairman.

The president signed said bills.

Mr. President—The joint standing committee on enrolled bills have presented to his excellency the governor, the following bills for his approval and signature:

An act to authorise the commissioner of the seminary fund to compound with the debtors thereof;

A resolution in relation to the controversy between the states of Louisiana and South Carolina on the one hand, and Massachusetts on the other;

An act to amend and reduce into one the several acts in relation to the revenue of this state, and for other purposes;

An act to provide for the payment of debts due for the state library, and for an interchange of books between this state and the several states of the Union;

An act making certain appropriations therein named;

An act to amend the law of this state in relation to the unlawful forcible entry and detainer;

A memorial of the state of Mississippi to the congress of the United States.

Mr. President—The joint standing committee on enrolled bills have this day examined,

An act to change the names of Martha Ann McHenry and Mary Jane McHenry to Martha Ann Hall and Mary Jane Hall;

An act for the relief of Roger A. Heirn and others, owners of the tract of land known as the Livingston grant, at Pass Christian, in Harrison county;

An act to amend the laws now in force in this state regulating proceedings against slaves charged with grand larceny, and for other purposes;

Resolution granting leave of absence to John D. Freeman, attorney general;

A resolution appropriating room No. 4, in the basement story of the capitol to the state commissioner;

An act to amendthe several laws of this state in relation to courts of probate;

And have found the same correctly enrolled.

N. S. PRICE, Chairman.

The President signed said bills.

Mr. President:—The joint standing committee on enrolled bills have presented to his excellency the governor,

An act to change the name of Martha Ann McHenry and Mary Jane McHenry to Martha Ann Hall and Mary Jane Hall;

An act for the relief of Roger A. Hiern and others, owners of the tract of land known as the Livingston grant, at Pass Christian, in Harrison county;

An act to amend the laws now in force in this state regulating proceedings against slaves charged with grand larceny, and for other purposes;

Resolution granting leave of absence to John D. Freeman, attorney general;

A resolution appropriating room No. 4, in the basement story of the capitol to the state commissioner;

An act to amend the several laws of this state in relation to courts of probate.

NATH'L S. PRICE, Chairman.

The following message was received from the house of representatives, through Mr. Montgomery, their clerk, to-wit:

Mr. President—The speaker of the house of representatives has signed bills which originated in the house of the following titles, viz:

An act to amend and reduce into one the several acts in relation to the revenue of this state, and for other purposes;

An act authorising the commissioner of the seminary fund to compound with the debtors thereof;

Also, a resolution in relation to the controversy between the states of South Carolina and Louisiana on the one side, and Massachusetts on the other.

The speaker has also signed bills which originated in the senate of the following titles, to-wit:

An act making certain appropr[illegible] therein named;

An act to provide for the pay[illegible] the debts due the state library, and for an interchange of books between this state and the several states of the Union;

Which I am instructed to present to the senate for the signature of the president.

The president signed said bills.

Mr. Price, from the committee on enrolled bills, made the following report, to-wit:

Mr. President—The joint standing committee on enrolled bills have this day examined,

An an act to declare Quiver or Thompson's bayou, and the bayou known as Dry bayou, navigable streams;

An act to incorporate Concord lodge No. 12, of the independent order of odd fellows, in the city of Natchez;

An act to incorporate the trustees of the first presbyterian church of Yazoo City;

An act in relation to the town lot fund, and for other purposes;

An act to revive certain sections of the revised code in relation to the introduction of slaves into this state;

A memorial to the congress of the United States;

A resolution to compensate the publishers of newspapers in the city of Jackson for papers furnished during the present session;

And have found the same correctly enrolled.

The president signed said bills.

Mr. President—The joint standing committee of enrolled bills have this day presented to his excellency the governor, for his approval, bills of the following title:

An act to declare Quiver or Thompkins' bayou, and the bayou known as Dry bayou, navigable streams;

An act to incorporate Concord lodge of the independent order of odd fellows, in the city of Natchez;

An act to incorporate the first presbyterian church of Yazoo city;

An act in relation to the town lot fund, and for other purposes;

An act to revive certain sections of the revised code in relation to the introduction of slaves into this state;

A memorial to the congress of the United States;

A resolution to compensate the publishers of newspapers in the city of Jackson for papers furnished during the present session.

NATH'L. S. PRICE, Chairman.

Mr. Lumpkin offered the following resolution, to-wit:

Resolved, That B. F. Dill and John W. Clarke are entitled to the thanks of the senate for the correct and impartial manner in which they have reported the proceedings of the senate during the present session;

Which was read, and adopted.

Mr. Williams offered the following resolution, to-wit:

Resolved, That the thanks of the senate is hereby tendered to John A. Wilcox, secretary, David F. Dozier and col. G. R. Kiger, assistants, and Charles E. Smedes, reading clerk, for the senate, for the punctuality and faithfulness with which they have severally discharged their duty during the present session of the legislature;

Which was adopted.

Mr. Briscoe offered the following resolution, to-wit:

Resolved, That the president of the senate is entitled to the thanks of this body for the able, patient, impartial and dignified course which he has pursued as presiding officer during the present session;

Which was adopted.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. PRESIDENT—The speaker of the house of representatives has signed a bill, which originated in the house, of the following title:

An act to amend the laws of this state in relation to unlawful entry and entry and detainer;

Also, a memorial, which originated in the senate, of the following title, to-wit:

A memorial of the legislature of the state of Mississippi to the congress of the United States;

Which I am instructed to present to the senate for the signature of the president.

The president signed said bills.

Mr. Booth offered the following resolution, to-wit:

Resolved, (with the concurrence of the house of representatives) That a joint committee of three on the part of the senate, and —— on the part of the house, be appointed to wait on his excellency the governor, and inform him, that the two houses have discharged all the business before them, and are ready to adjourn *sine die*, and inquire of him whether he has any further communications to present to the legislature;

Which was adopted.

Messrs. Booth, Matthews and Willburn were appoidted said committee.

The following message was received from his excellency the governor through his private secretary, to-wit:

Mr. PRESIDENT—His excellency has approved the following bills which originated in the senate:

An act regulating the powers of the tax-collectors;

An act to provide for cases where no executor or administrator will qualify under a last will and testament, and undertake to carry it into effect;

An act supplemental to an act passed at the present session of the legislature entitled an act to establish a system of common schools, and for other purposes;

An act to amend the laws of this state in relation to the enrollment and liens of judgments at law and decrees in chancery;

An act to amend an act entitled an act, approved February 24th, 1844, entitled an act to amend the several acts of limitations, and for other purposes;

An act amendatory and explanatory of an act to designate in what manner, and in what courts suits shall be brought against the state of Mississippi, approved February 15th, 1833;

An act for the relief of William L. Sharkey;

A resolution in relation to the secretary of the senate and his two assistants, and the clerk of the house of representatives and his two assistants;

An act to amend the laws of this state in relation to courts of probate;

An act to change the name of Martha Ann McHenry and Mary Jane McHenry to Martha Ann Hall and Mary Jane Hall;

An act to amend the laws now in force in this state regulating proceedings against slaves charged with grand larceny, and for other purposes;

A resolution appropriating room No. 4, in the basement story of the capitol, to the state commissioner;

Resolution granting leave of absence to John D. Freeman, attorney general;

An act to incorporate the trustees of the first presbyterian church of Yazoo City;

A memorial to the congress of the United States;

An act to incorporate Concord lodge, No. 12, of the independent order of odd fellows, in the city of Natchez;

An act making certain appropriations therein named;

An act to provide for the payment of the debts due for the state library, and for an interchange of books between this state and the several states of the Union;

Memorial of the legislature of the state of Mississippi to the congress of the United States:

Approved March 5th, 1846.

The following message was received from the house of representatives through their clerk, Mr. Montgomery, to-wit:

Mr. PRESIDENT—The house of representatives concurred in a resolution from the senate, appointing a committee of three on the part of the senate, and —— on the part of the house, to wait on his excellency the governor, and inform him that the two houses have discharged all the business before them, and are now ready to adjourn *sine die*, and ascertain of him whether he has any further communications to present to the legislature;

And have appointed on the part of the house Messrs. Totten, Cushman, Fowles, Harris, Emanuel, Farrar and McAfee.

Mr. Matthews, from a joint select committee, reported as follows, to-wit:

Mr. PRESIDENT—The joint committee appointed by the two houses of the legislature to wait upon his excellency the governor, and inform him that they have completed their business, and are ready to adjourn *sine die*, have discharged that duty, and they beg leave to report:

That the governor requested the committee to tender his respects to the two houses, and inform them that he had no further communications to make. J. W. MATTHEWS, Chairman,

On the part of the senate.

Mr. Labauve offered the following resolution, to-wit:

Resolved, That the secretary inform the house of representatives that the senate has completed its business and is now ready to adjourn *sine die;*

Which was adopted.

The following message was received from the house of representatives through Mr. Montgomery, their clerk, to-wit:

MR. PRESIDENT—I am instructed by the heuse of representatives to inform the senate that the house of representatives have concurred in the resolution from the senate in relation to the adjournment *sine die* of the legislature, and are now ready to adjourn in conformity to the same.

On motion of Mr. Horne,

The senate adjourned *sine die;* when,

The president of the senate arose and delivered the following valedictory address, to-wit:

SENATORS—Our labors have come to an end: we are about to separate, not again to meet in this chamber, all of us, or in the social circle, perhaps, forever.

In your last act in reference to myself, as in your first, and every one, you have laid me under obligations of gratitude I can never express. If I have been so fortunate as to win your approval to the extent indicated in your kind and flattering resolution on my table, it is less owing to my abilities or aptitude for the duties of the chair, than to your own dignity of deportment as members, and kindness towards me as personal friends. I will only say my conscience concurs with your resolution, that I have aimed to be impartial.

Let me express the hope, senators, and officers of the senate, that on the eve of our final separation, all our differences of opinion and feeling that may have occurred, may be buried in the wish that our labors may result in the common good of our constituents and the world.

Occasional collisions of feeling may have occurred in the ardor of discussion: as the most polished steel when stricken with the

flint, yields the quickest, the most burning, and the most evanescent spark, so let the transient flashes of excitement, awakened by the sudden collision of the highly polished and cultivated susceptibilities that have met here, be as brief as they were brilliant: while our frailty is forgotten, may the friendships we have formed be enduring. The result of our acts, under Providence, the future will unfold. However we have differed, I pray they may all result in all the good we hope for, and that all apprehended evils may be averted. I will venture to mention an act of yours which entitles you to the gratitude, and I know will receive the approval of the country—I mean the act which originated in this body, by which this legislature has provided *public common free schools for the children of the people.* This is the crowning glory of the session, sufficient to mark it as a bright era in the history of the state.

Its virtues, and the honor it will reflect on you, will be co-existent with the effects of a christian literature on the condition of a free and happy people.

We must now separate.—Individually and collectively I invoke for you and each of you, every blessing.—Speedily may you all enjoy the kind voices and joyous greetings of happy homes, and the beaming eyes and gratulating hands of satisfied and approving constituents, the highest reward of the faithful public servant.

I bid you, senators, a long and affectionate adieu! I pronounce the senate, according to order, adjourned *sine die*..

GEO. T. SWANN, President.

JOHN A. WILCOX, Secretary of the senate.

DAVID F. DOZIER, Ass't. secretary of the senate.

A STATEMENT, showing the amount drawn for mileage and per diem compensation, by the members, clerks, door keepers and sergeant at arms, during the session of the legislature commencing 5th January, 1846.

Counties.	Names of members.		No. of miles ch'd.	Mileage—Compensation	No. of days ch'd.	Per diem compensation.	Total compensation.	Total expense of each county.	Am't. over drawn
Adams	James Metcalf	s	358	$71 60	61	$244 00	$315 00		
	William B Fowles	r	340	68 00	60	240 00	308 00		$4
	Ralph North	r	310	62 00	59	236 00	298 00		
	B Pendleton	r	310	62 00	60	240 00	302 00	$1223 60	
Amite	Jehu Wall	s	248	49 60	57	228 00	277 60		
	T M Rogers	r	250	50 00	54	216 00	266 00		
	James M Smiley	r	220	44 00	44	176 00	220 00	753 60	
Attala	Samuel N. Gilleland	r	140	28 00	60	240 00	268 00	268 00	
Bolivar	James H. Carson	r	560	112 00	60	240 00	352 00	352 00	
Carroll	William Booth	s	200	40 00	60	240 00	280 00		
	John A Binford	r	240	48 00	54	216 00	264 00		
	Benjamin Kennedy	r	200	40 00	60	240 00	280 00	824 00	
Chickasaw	James F Walker	r	310	62 00	64	256 00	318 00		16
	John H Williams	s	320	64 00	59	236 00	300 00	618 00	
Choctaw	Edward Johnson	s	250	50 00	61	244 00	294 00		4
	G H Archer	r	250	50 00	60	240 00	290 00		
	George Huie	r	250	50 00	69	276 00	326 00	910 00	36
Claiborne	Parmenas Briscoe	s	270	54 00	60	240 00	294 00		

Claiborne	Henry W Allen	r	200	40 00	60	240 00	280 00		
	Walter Rossman	r	100	20 00	59	236 00	256 00	830 00	
Clark	Isham Moody	r	240	48 00	60	240 00	288 00	288 00	
Copiah	Stephen Tillman	s	80	16 00	64	256 00	272 00		16
	Robert E Harris	r	80	16 00	60	240 00	256 00		
	J H Thompson	r	104	20 80	60	240 00	260 80	788 80	
Covington	Joseph McAfee	r	116	23 20	52	208 00	231 20	231 20	
Coahoma	James L Alcorn	r	750	150 00	60	240 00	390 00	390 00	
De Soto	Felix Labauve	s	440	88 00	60	240 00	328 00		
	John W Campbell	r	440	88 00	56	224 00	312 00		
	H F Robertson	r	440	88 00	60	240 00	328 00	968 00	
Franklin	Thomas S Head	r	170	34 00	51	204 00	238 00		
	Edward Turner	s	190	38 00	61	244 00	282 00	520 00	4
Green	John McInnis	r	300	60 00	60	240 00	300 00	300 00	
Hancock	A W Ramsey	s	360	72 00	60	240 00	312 00		
	B S Leonard	r	350	70 00	64	256 00	326 00	614 00	16
Harrison	J J McCaughan	r	350	70 00	60	240 00	310 00	310 00	
Hinds	James Dupree	s	44	8 80	60	240 00	248 80		
	S A D Greaves	r	36	7 20	60	240 00	247 20		
	Charles S Spann	r	50	10 00	60	240 00	250 00		
	A R Green	r	34	6 80	54	216 00	222 80		
	Henry Pope	r	40	8 00	60	240 00	248 00	1216 80	
Holmes	Wm M Landsdale	s	148	29 60	64	256 00	275 60		16
	David Beaty	r	132	26 40	59	236 00	262 40		
	James W Wade	r	120	24 00	60	266 00	290 00	838 00	
Itawamba	Russel O. Beene		420	84 00	58	232 00	316 00		

STATEMENT (*Continued.*)

Counties.	Names of members.		No. of miles ch'd.	Mileage—Compensation.	No. of days ch'd.	Per diem compensation.	Total compensation.	Total expense of each county.	Am't. over drawn
Itawamba	William Beene	r	420	84 00	58	232 00	316 00		
	William Cypert	r	408	81 60	62	248 00	329 60		8
	James C Hinds	r	420	84 00	58	232 00	316 00	1277 60	
Jackson	Lyman Randall	r	400	80 00	60	240 00	320 00	320 00	
Jasper	S R Adams	s	160	32 00	60	240 00	272 00		
	John McDonald	r	160	32 00	60	240 00	272 00	544 00	
Jefferson	George Torrey	r	160	32 00	60	240 00	272 00	272 00	
Jones	Drury Bynum	r	180	36 00	60	240 00	276 00	276 00	
Kemper	Peter H C Jennings	r							
	John J Pettus	r	230	46 00	60	240 00	286 00	286 00	
Lafayette	A H Pegues	s	375	75 00	60	240 00	315 00		
	R H Buford	r	374	74 80	60	240 00	314 80		
	J H Cushman	r	360	72 00	60	240 00	312 00	941 80	
Lauderdale	E A Durr	s	240	48 00	59	236 00	284 00		
	W C Foster	r	240	48 00	59	236 00	284 00		
	Joseph Martin	r	260	52 00	59	236 00	288 00	856 00	
Lawrence	Arthur Fox	s	120	24 00	59	236 00	260 00		
	John R Chambers	r	130	26 00	60	240 00	266 00		
	William Weathersby	r	100	20 00	60	240 00	260 00	786 00	

Leake	George Hicks	s	110	22 60	60	240 00	262 00	
	Mastin Crain	r	124	24 40	60	240 00	264 40	526 40
Lowndes	Dabney Lipscomb	s	300	60 00	60	240 00	300 00	
	James Whitfield	sp'k	300	60 00	60	360 00	420 00	
	Eli Abbott	r	300	60 00	60	240 00	300 00	
	John T Connell	r	280	56 00	60	240 00	296 00	1116 00
Madison	P D Ewing	r	50	10 00	59	236 00	246 00	
	O R Singleton	r	50	10 00	60	240 00	250 00	496 00
Marion	E C Stewart	r	220	44 00	60	240 00	284 00	284 00
Marshall	J W Matthews	s	450	90 00	60	240 00	330 00	
	James H Cowan	r	440	88 00	60	240 00	328 00	
	Thomas J Malone	j	420	84 00	60	240 00	324 00	
	E F Potts	j	420	84 00	60	240 00	324 00	
	James L Totten	r	420	84 00	60	240 00	324 00	1630 00
Monroe	Joel M Acker	s	350	70 00	60	240 00	310 00	
	Richard Dilworth	j	374	74 80	60	240 00	314 80	
	Thomas C Moore	r	340	68 00	60	240 00	318 00	932 80
Neshoba	Ira H Nash	j	180	36 00	60	240 00	276 00	276 00
Newton	J M Loper	r	140	28 00	60	240 00	268 00	268 00
Noxubee	A W Dabney	s	260	52 00	60	240 00	292 00	
	J D Brooks	r	260	52 00	54	216 00	268 00	
	James M Maxcy	r	260	50 00	49	196 00	246 00	806 00
Oktibbeha	William R Cannon	r	268	53 60	60	240 00	293 60	293 60
Perry	G H Holleman	r	240	48 00	60	240 00	288 00	288 00
Pike	George Nicholson	s	190	38 00	60	240 00	278 00	
	E Rushing	r	200	40 00	60	240 00	280 00	

STATEMENT (*Continued.*)

Counties.	Names of members.		No. of miles ch'd.	Mileage—Compensation.	No. of days ch'd.	Per diem compensation.	Total compensation.	Total expense of each county.	Am't. over drawn
Pike	William Simmons	r	208	41 60	59	236 00	277 60	835 60	
Panola	John W Lumpkin	s	500	100 00	60	240 00	340 00		
	Orville Harrison	r	360	72 00	59	236 00	308 00	648 00	
Pontotoc	Chas D Fontaine	r	360	72 00	59	236 00	308 00		
	Ezekiel Millsaps	r	380	76 00	59	236 00	312 00	620 00	
Rankin	George T Swann	p s	24	4 80	60	360 00	364 80		
	S C Farrar	r	24	4 80	60	240 00	244 80		
	Jrmes Y McNabb	r	10	2 00	58	232 00	234 00	843 60	
Scott	A H Metcalf	r	110	22 00	63	252 00	274 00	274 00	12
Simpson	John Berry	r	80	16 00	60	240 00	256 00	256 00	
Smith	P L Lemley	r	80	16 00	60	240 00	256 00	256 00	
Tallahatchie	James S Baily	r	300	60 00	60	240 00	300 00	300 00	
Tippah	N S Price	s	500	100 00	61	244 00	344 00		4
	Joel H Berry	r	480	96 00	56	224 00	320 00		
	C A Green	r	500	100 00	62	248 00	348 00		8
	Daniel Griffin	r	500	100 00	60	240 00	340 00		
	E A Warren	r	500	100 00	58	232 00	332 00	1644 00	
Tishemingo	R H Boone	s	550	110 00	60	240 00	350 00		
	A B Dilworth	r	550	110 00	60	240 00	350 00		
	S O Gibbs	r	550	110 00	59	236 00	346 00		

Tishemingo	D W Hyneman	r	550	110 00	60	240 00	350 00	1396 00	
Tunica	Thos May	r	800	160 00	58	233 00	392 00	392 00	
Warren	John I Guion	s	90	18 00	56	233 00	251 00		9*
	M Emanuel	r	90	18 00	60	240 00	258 00		
	E J Sessions	r	120	24 00	60	240 00	264 00		
	J E Sharkey	r	90	18 00	60	240 00	258 00	1031 00	
Washington	A F Smith	r	290	58 00	59	236 00	294 00	294 00	
Wilkinson	T Jones Stewart	s	300	60 00	60	240 00	300 00		
	V N H Netterville	r	360	72 00	48	192 00	264 00		
	H F Simrall	r	300	60 00	60	240 00	300 00	864 00	
Wayne	John H Horne	s	240	48 00	60	240 00	288 00		
	Joseph Frost	r	280	56 00	60	240 00	296 00	584 00	
Winston	Thos J Hughs	r	200	40 00	60	240 00	280 00		
	S W Smyth	r	200	40 00	60	240 00	280 00	560 00	
Yalobusha	Wm B Wilborne	s	284	56 80	56	224 00	280 80		
	R H Leigh	r	296	51 20	60	240 00	312 00		
	C H Guy	r	272	54 00	60	240 00	294 00		
	Daniel York	r	300	60 00	48	192 00	252 00	1138 80	
Yazoo	Wm R Miles	s	100	20 00	60	240 00	260 00		
	Robert L Adams	r	100	20 00	50	200 00	220 00		
	G W Woodbury	r	100	20 00	63	252 00	272 00	752 00	12
Issaquena	James J B White	r	126	25 20	60	240 00	265 20	265 20	
Sunflower	James J Chewning	r	490	98 00	60	240 00	338 00	338 00	

*Charged $5 00 per day for nine days.

STATEMENT (*Continued.*)

Names of officers.	No. of days charged.	Per diem compensation.	Am't. over ch'd.
G F Henry, Clerk	64	256 00	16
N G North, Clerk	60	240 00	
J M Chiles, Clerk	72	288 00	32
D F Dozier, Clerk	53	212 00	
B F Dill, Clerk	60	240 00	
Jehu A Orr, Clerk	60	240 00	
C A Wade, Clerk	59	236 00	
G R Kiger, Clerk	60	240 00	
W R Adams, Clerk	70	280 00	40
Thomas B Ozment, Clerk	59	236 00	
John A Wilcox, Secretary,	63	378 00	
Miles W Moody, Clerk	59	236 00	
Reuben Leach, Sergeant-at-arms	60	240 00	
J E Cravens, Clerk	61	244 00	4 Paid back
W E McAllister, Clerk	52	208 00	
James Z George, Clerk	59	236 00	
E P Russell, Clerk	71	284 00	28
Charles E Smedes, Clerk	60	240 00	
E Pickett, Clerk	59	236 00	
J H Westbrook, Clerk	40	160 00	

J D Montgomery, Clerk	64	384 00
C B McGuire, Clerk	55	220 00
E S Farrish, Door Keeper	60	180 00
Joseph S Leake, Clerk	1	4 00
Hugh S French, Clerk	1	4 00
James Hudson, Door Keeper	60	180 00

JAMES E. MATTHEWS,

Auditor of Public Accounts.

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